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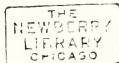
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A HISTORY
OF THE DESTRUCTION
OF
HIS BRITANNIC MAJESTY'S
SCHOONER GASPEE,
IN NARRAGANSETT BAY,
ON THE 10TH JUNE, 1772;
ACCOMPANIED BY THE
CORRESPONDENCE CONNECTED THEREWITH; THE ACTION OF
THE GENERAL ASSEMBLY OF RHODE ISLAND THEREON,
AND THE
OFFICIAL JOURNAL OF THE PROCEEDINGS
OF THE
COMMISSION OF INQUIRY APPOINTED BY KING GEORGE
THE THIRD, ON THE SAME.

BY
JOHN RUSSELL BARTLETT,
SECRETARY OF STATE.



PROVIDENCE:
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THE DESTRUCTION OF THE GASPEE,

One hundred and twenty-five copies printed for private distribution.

THE DESTRUCTION OF THE GASPEE.

[THE proceedings of the General Assembly, relative to the destruction of the British schooner Gaspee, in the waters of Narragansett Bay, on the night of the 9th June, 1772, will be found in the records of the August session of that year. What followed, connected with this important event in the colonial annals of Rhode Island, extends through this, and a part of the following year. In presenting this history to the public, the editor has brought the whole of the proceedings together, including the events which preceded the destruction of that vessel. This will present a continuous account of the affair, with the accompanying documents, from the time it occurred, to the report of the royal commission of inquiry on the same.

The correspondence and most of the documents herewith printed, are preserved in the original, among the archives of the State, and are chronologically arranged and bound in one volume.

In 1845, the Hon. William R. Staples caused these documents to be printed in the columns of the Providence Journal, with preliminary observations. He also interspersed the various documents with his own remarks, in order to present a plain and continuous "Documentary History" of the destruction of the Gaspee. This was afterwards printed in a pamphlet form; but has long been out of print.

To these various documents, the present secretary of state, and editor of the Colonial Records, has been enabled to add several letters and documents of great interest which were not previously among the State archives, and which had never been printed. For several of these, he is indebted to the kindness of his friend, the Hon. George Bancroft, who procured copies of the originals on file in Her Majesty's state paper office, London. The others are from a variety of sources, including that great depository of historical documents. Copies of these several papers, have now been procured, and deposited in their proper places among the "Gaspee documents," referred to. Among the most important of these new documents, are letters from Admiral Montagu to the Earl of Hillsborough; letters from Chief Justice Horsmanden, of New York, one of the royal commissioners of inquiry into the Gaspee affair, to the Earl of Dartmouth, giving an account of the proceedings of the court; and the official report of inquiry to the King, about the burning of the Gaspee.]—J. R. B.

The records of the proceedings and the correspondence of the preceding years, show that an illicit trade had long been carried on, not only in Rhode Island, but in the other English colonies. They show, too, that efforts had been repeatedly made by the commissioners of customs, to put a stop to this practice, by placing armed vessels in Narragansett Bay, and at other places along the coast, from Casco Bay to Cape Henlopen, in 1764. Serious riots, too, had, in several instances occurred, in consequence of the vigilance of the custom house officers, in their endeavors to check this illicit trade.

The vessel assigned to this station, in 1764, by the King's authority, was the schooner *St. John*, Lieut. Hill, commander. This vessel seized the cargo of a brig, which had discharged near Howland's Ferry, and following her at sea, made a prize of her, and brought her to Newport. Other difficulties, which grew out of her presence, at Newport, led to the fitting out of an armed sloop, with the intention of destroying her, which was only prevented by the presence of the "Squirrel" man of war, in that harbor. Nevertheless, the people on board the sloop landed on Goat Island, seized the battery, and discharged its guns at the large ship.

During the same year, another event took place in the harbor of Newport, which tended greatly to exasperate the people. The *Maidstone*, a vessel belonging to the British navy, lay here, several months, and gave great dissatisfaction, by impressing seamen from vessels entering the harbor, as well as in taking them from the boats and small craft in the bay. Other ships of the royal navy, which visited Newport, also had difficulties with the people there, all of which tended to arouse them, and lead to some measures of retaliation. The climax was reached, when a brig from Africa, entering the port, was boarded by the officers from the *Maidstone*, and her entire crew pressed into the naval service. The same night, a mob of about five hundred men and boys, exasperated by the affair, seized one of the boats belonging to the *Maidstone*, which lay at the wharf, pulled her on shore, and after dragging her

through the streets to the Common, in front of the court house, burnt her, amid the shouts of an immense crowd, which the occasion had brought together. The affair was so suddenly concocted and carried into effect, that the authorities had no time to interfere.

The next important event in order, in resisting the authority of the government in its efforts to suppress illicit trade, was the affair of the armed sloop *Liberty*, Capt. Reid, which the commissioners of the customs had sent to Newport, in 1769. This officer had exhibited an extraordinary zeal in executing the orders he had received, and had greatly annoyed vessels entering our ports.

On the 17th July, while cruising in Long Island Sound, he took a brig and a sloop, belonging to Connecticut, which he suspected had been engaged in illicit trade, and brought them to Newport. The commander of the brig, Capt. Packwood, it appeared, had duly reported his cargo at the custom house, before sailing, and no proof was exhibited that he had made any attempt to evade the revenue. On the 19th, as no charges had been made, or prosecution entered against the brig, Packwood went on board the *Liberty*. The captain being absent, some difficulty took place, which led to the firing of several musket balls at Capt. Packwood's boat on her return to the shore. Obtaining no redress for this outrage, the people of Newport boarded the obnoxious vessel, cut her cables, and suffered her to drift on shore, near Long Wharf. They then cut away her masts, threw her armament overboard, when, with the first high tide, she drifted over to Goat Island. The first night she lay here, a party from Newport, went over and burnt her.

His Majesty's armed schooner, the *Gaspee*, of eight guns, Lieut. Dudingston, accompanied by the *Beaver*, made their appearance in the waters of Narragansett Bay, in March, 1772, on duties similar to those of the "*St. John*" and "*Liberty*," to which allusion has been made, viz.: to prevent breaches of the revenue laws, and to stop the illicit trade, so long and so success-

fully carried on in the colony. The commander of the Gaspee was quite as exacting as Capt. Reid of the Liberty had been. He stopped all vessels, including small market boats, without showing his authority for so doing; and even sent the property he had illegally seized, to Boston, for trial, contrary to an act of Parliament, which required such trials to be held in the colonies where the seizures were made. In these acts, Dudington had clearly transcended his powers. Shortly after the Gaspee had commenced her illegal proceedings, the complaints from the people of Providence were so numerous to the Deputy Governor, Darius Sessions, that he submitted the question to Chief Justice Hopkins, who did not hesitate to give his opinion, "that no commander of any vessel has a right to use any authority in the body of the colony, without previously applying to the Governor, and showing his warrant for so doing; and also being sworn to a due exercise of his office." Upon receiving this opinion, the Deputy Governor, who then resided in Providence, addressed the following letter to Governor Joseph Wanton, at Newport:

The Deputy Governor to the Governor of Rhode Island.

Providence, March 21, 1772.

Sir:—The inhabitants of this town, have, of late, been much disquieted in their minds, by repeated advices being brought of a schooner, which, for some time past, hath cruised in the Narragansett Bay, and much disturbed our navigation. She suffers no vessel to pass, not even packet boats, or others of an inferior kind, without a strict examination; and where any sort of unwillingness is discovered, they are compelled to submit, by an armed force. Who he is, and by what authority he assumes such a conduct, it is thought needs some inquiry; and I am requested by a number of gentlemen, of this town, on their behalf, to acquaint Your Honor therewith, and that you would take the matter into consideration; and, if the commander of that schooner has not as yet made proper application, and been duly authorized in his proceedings, that some proper measures be taken to bring him to account.

It is suspected he has no legal authority to justify his conduct; and his commission, if he has any, is some antiquated paper, more of a fiction than anything else; and this seems to be confirmed by Mr. Thomas Greene, who says he saw it, and believes it to be no other than the commission the famous Reid had, who lost his sloop at Newport, or something else, of no validity.

In consequence of the above mentioned application, I have consulted with Chief Justice Hopkins thereon, who is of opinion, that no commander of any vessel has any right to use any authority in the body of the colony, without previously applying to the Governor, and showing his warrant for so doing; and also, being sworn to a due exercise of his office; and this, he informs me, has been the common custom in this colony.

I am, sir, &c., &c.,

DARIUS SESSIONS.

To Governor Wanton.

This letter led to the following correspondence between the Governor and the commanding officer of the schooner:

The Governor of Rhode Island to the Commander of the Gaspee.

Newport, Rhode Island, March 22, 1772.

Sir:—A considerable number of the inhabitants of this colony have complained to me, of your having, in a most illegal and unwarrantable manner, interrupted their trade, by searching and detaining every little packet boat plying between the several towns. As I know not by what authority you assume this power, I have sent off the high sheriff, to inform you of the complaint exhibited against you, and expect that you do, without delay, produce me your commission and instructions, if any you have, which was your duty to have done when you first came within the jurisdiction of this colony.

I am your humble servant,

J. WANTON.

To the commanding officer of a schooner near Brenton's Point.

Lieut. Dudingston to the Governor of Rhode Island.

Schooner Gaspee, Rhode Island,

March 23, 1772.

Sir:—Last night I received your letter informing me, that a "number of the inhabitants of this colony had complained" to you, of my having, "in a most illegal and unwarrantable manner, interrupted their trade, by searching and detaining every little packet boat, plying between the several towns."

In answer to which, I have done nothing but what was my duty; and their complaint can only be founded on their ignorance of that. When I waited on you, on my arrival, I acquainted you of my being sent to this government, to assist the revenue. I had my commission to show you, if required, as it was ever understood by all His Majesty's governors I have had the honor to wait on, that every officer commanding one of His Majesty's vessels, was properly authorized, and never did produce it, unasked for. The officer I send, is equally qualified and has been in the boats in boarding most of the vessels, and can give any information relative to my proceeding.

Sir, your humble servant,

W. DUDINGSTON.

To Governor Wanton.

The Governor of Rhode Island to Lieut. Dudingston.

Newport, Rhode Island, March 23, 1772.

Sir:—Yours, of this day, I have received, which does not give me that satisfaction I had a right to expect; neither was the bearer of the letter qualified to give me any authentic information respecting the legality of that authority you have presumed to exercise within this colony. I expect that you do, without delay, comply with my request of yesterday; and you may be assured, that my utmost exertions shall not be wanting to protect your person from any insult or outrage, on coming ashore.

I am your humble servant,

J. WANTON.

To Mr. W. Dudingston, of the schooner Gaspee.

With this, the correspondence between Governor Wanton and Lieut. Dudingston ended. The lieutenant's sense of propriety was evidently shocked by the letters from Governor Wanton, and of his peremptory demand to exhibit to him his commission and instructions. He seems to have believed that the authority from which his commission emanated, was paramount to that of the colonial governor. He therefore enclosed the letters of Governor Wanton, together with his own, to Admiral Montagu, at Boston, who was then in command of His Majesty's fleet on this station. The admiral plainly espoused the side of Dudingston, and feeling his own dignity wounded at the demand of the Governor on his lieutenant, addressed the insolent letter, which follows, to Governor Wanton:

Admiral Montagu to the Governor of Rhode Island.

Boston, 8th April, 1772.

Sir:—Lieutenant Dudingston, commander of His Majesty's armed schooner, and a part of the squadron under my command, has sent me two letters he received from you, of such a nature, I am at a loss what answer to give them, and ashamed to find they come from one of His Majesty's governors. He informs me, that he waited upon you, and showed you the admiralty and my orders for his proceedings; which, agreeably to his instructions, he is to do, that you may be acquainted that he is on that station to protect your province from pirates, and to give the trade all the assistance he can, and to endeavor, as much as lays in his power, to protect the revenue officer, and to prevent (if possible,) the illicit trade that is carrying on at Rhode Island.

He, sir, has done his duty, and behaved like an officer; and it is your duty, as a governor, to give him your assistance, and not endeavor to distress the King's offi-

cers for strictly complying with my orders. I shall give them directions, that, in case they receive any molestation in the execution of their duty, they shall send every man so taken in molesting them, to me. I am also informed, the people of Newport talk of fitting out an armed vessel to rescue any vessel the King's schooner may take carrying on an illicit trade. Let them be cautious what they do; for as sure as they attempt it, and any of them are taken, I will hang them as pirates. I shall report your two insolent letters to my officer, to His Majesty's secretaries of state, and leave them to determine what right you have to demand a sight of all orders I shall give to all officers of my squadron; and I would advise you not to send your sheriff on board the King's ship again, on such ridiculous errands. The captain and lieutenants have all my orders, to give you assistance whenever you demand it, but further, you have no business with them; and, be assured, it is not their duty to show you any part of my orders or instructions to them.

I am, sir, &c., &c.,

J. MONTAGU.

To Governor Wanton.

This produced the following dignified and spirited answer:

The Governor of Rhode Island to Admiral Montagu.

Rhode Island, May 8, 1772.

Sir:—Your letter, dated April the 8th, at Boston, I have received. Lieutenant Durlingston has done well in transmitting my letters to you, which I sent him; but I am sorry to be informed there is any thing contained in them that should be construed as a design of giving offence, when no such thing was intended. But Mr. Durlingston has not behaved so well, in asserting to you "he waited on me, and showed me the admiralty and your orders for his proceedings, which, agreeably to his instructions, he is so to do;" but in that he has altogether misinformed you; for he, at no time, ever showed me any orders from the admiralty or from you; and positively denied that he derived any authority either from you or the commissioners; therefore, it was altogether out of my power to know, whether he came hither to protect us from pirates, or was a pirate himself. You say, "he has done his duty and behaved like an officer." In this, I apprehend you must be mistaken: for I can never believe it is the duty of any officer, to give false information to his superiors. As to your attempt to point out what was my duty as Governor, please to be informed, that I do not receive instructions for the administration of my government, from the King's admiral, stationed in America.

You seem to assert, that I have endeavored to distress the King's officers, for strictly complying with your orders. In this, you are altogether mistaken; for I have at all times heretofore, and shall constantly for time to come, afford them all the aid and assistance in my power, in the execution of their office.

The information you have received, "that the people of Newport talked of fitting out an armed vessel to rescue any vessel the King's schooner might take carrying on an illicit trade," you may be assured is without any foundation, and a scandalous imposition; for, upon inquiring into this matter, I cannot find that any such design was ever conceived, or so much as talked of; and therefore, I hope you will

not hang any of His Majesty's subjects belonging to his colony, upon such false information.

I am greatly obliged for the promise of transmitting my letters to the secretary of state. I am, however, a little shocked at your impolite expression, made use of upon that occasion. In return for this good office, I shall also transmit your letter to the secretary of state, and leave to the King and his ministers to determine on which side the charge of insolence lies.

As to your advice, not to send the sheriff on board any of your squadron, please to know, that I will send the sheriff of this colony at any time, and to any place, within the body of it, as I shall think fit.

In the last paragraph of your letter, you are pleased flatly to contradict what you wrote in the beginning; for there you assert that Dudingston, by his instructions, was directed to show me the admiralty and your orders to him; and here you assert, that I have no business with them; and assure me, that it is not his duty to show me them, or any part thereof. I am, sir, &c., &c., J. WANTON.

To Admiral Montagu.

The Governor laid the preceding letter from Admiral Montagu, before the General Assembly, at their May session, 1772, and the following resolution passed that body, in relation to the answer sent to the admiral:

“Resolved, that His Honor the Governor, be requested to transmit a copy of the letter written to Admiral Montagu; and likewise, that His Honor the Governor, be requested to transmit to the secretary of state, a narration, containing the proceedings referred to in said letter, together with a copy of the admiral's letter, as soon as may be; and that he present a copy thereof, to this Assembly, at the next session of the same.”

The letter of the Governor, led to some further correspondence between the admiral and the lieutenant, of which only the following letter is found among the archives:

Lieut. Dudingston to Admiral Montagu.

Schooner Gaspee, Rhode Island,
May 22, 1772.

Sir:—I have received your letters of the 14th and 18th instant, and copy of commissions' to you. By theirs, I see plainly, I cannot look to them to be supported for sending the sloop and rum to Boston, notwithstanding I was assured by their officers at this port, no seizure could be safe with them. There was only the alternative to send her, or remain in this harbor, and guard twelve hogsheds of rum; a

bait, the inhabitants of this government would willingly put in my way, if that could fix the schooner. I was not, at the time, ignorant of the statute to the contrary; but never doubted, if the sloop got safe, I should be supported by them, as I informed the board.

The owner of the rum resided in Coventry, which is but little further from Boston, than Newport; and of course, could, at as little expense, defend this property at the one as the other. As I find the exigencies not considered, but law referred to by them, for the future shall take care not to act repugnant to it, let what may be the consequence. If I should have any doubt about that, I will take the opinion recommended to their officers, relative to the officers in the navy being arrested here by the attorney general. I shall also be on my guard, not to put it in their power to arrest me, or any officer under my command in this government.

What passed between the Governor and me, was, as near as I can recollect, what follows. The morning after my arrival from Boston, was when I first saw him.

Lieut. D.—Sir, I command His Majesty's schooner Gaspee, and am ordered into this government by Admiral Montagu, to assist the revenue.

Governor—Is it the schooner Capt. Allen commanded? (meaning the lieutenant I superseded).

Lieut.—Yes.

Governor—We have had many different schooners here lately; (mentioning the Sultana, St. John and Halifax).

Lieut.—Yes; and you may remember me here about two years ago, when the Colonels Dalrymple and Robinson came with me. (I am not sure whether he said he did or not.)

Governor—What vessel was that which seized the packet?

I told him whom she was commanded by and belonged to, and my being there at the time, and said, it would not have happened had the officer come near the Gaspee, which was his duty, with more on the subject, too trivial for you to hear. He then related the conduct of the collector and Mr. Reid, late commander of the custom house sloop Liberty, and said it was in their power to have saved her before she had received much damage; and said he would not mind what they represented concerning him, if they had told facts. I said I had heard it otherwise mentioned; but hoped I should meet with no difficulty in the execution of my duty.

Governor—You may depend on my support and assistance.

I then observed, it was not clear to me, if I made a seizure, it would be safe.

Governor—I will do all in my power.

I then instanced what had been the fate of one made by the officers of the port a little before; and added, I did not think if I made one, I should put it to the trial.

Governor—I suppose you will be much here. I shall always be glad to see you.

Lieut. D.—I shall be where I find I can best execute the service. I was much obliged to him.

Governor—I hope, Captain, we shall have a good understanding.

I said it was my wish, and should give him as little trouble as possible. Much was said about his government and police; but never did he ask me to show my orders, or even mention them. The weather kept me some days in the harbor; and I was in company with some of his friends; but never heard my authority questioned, till I sent the sloop to Boston, on my return here; at which time, I gave him my reason in a letter, (a copy of which, I enclose to you), for not showing my

orders, as he, till then, had never required me to do so; at which time I sent them by an officer, which I informed you of.

I must now beg leave to observe, if he had asked me to show my orders, is it possible I should behave so much unlike an officer and gentleman, in telling a falsehood, by doing which, I must be ruined as an officer, and in reputation forever? The fallacy is easily seen, when it is considered, the only thing that makes the schooner respected, is said to be denied by me. Had such an assertion come from a private character, I should hope for reparation, for an attempt to wound my reputation as an officer. In my present situation, I have only to hope my word will be respected as an officer, as much as his, as a Governor, who can make it appear by no better evidence than an old woman and clerk in the naval office, and not in the station of a gentleman; and I do not think either would be base enough to witness so great a falsehood.

As to his letter, it cannot be looked upon as his, but the Assembly's, where it was put to the vote to answer your letter or not. They were all for the answer; the Governor alone, for sending it to Lord Hillsborough.

Mr. Greene is one of the house, the owner of the rum. I could expect no quarter from people of that stamp. On the 20th, the sloop was condemned. I have taken the liberty to enclose my letter to the commissioners for your perusal, open; as it was the intention of the people here, to have the sloop sold in the manner they have been used to, and which always falls into the old owners' hands, without opposition. I hope soon to have the board's answer, to determine her destination.

I am, sir, &c., &c.,

W. DUDINGSTON.

To Admiral Montagu.

At the next session of the Assembly, which was in August following, and to which reference is made in the Colonial Records, Vol. VII, p. 51, Governor Wanton presented a copy of his letter to the secretary of state, which was as follows:

The Governor of Rhode Island to the Earl of Hillsborough.

Newport, Rhode Island, May 20, 1772.

My Lord:—In conformity to a vote of the General Assembly, of this colony, I herewith transmit Your Lordship a copy of a letter I received from Admiral Montagu, and the answer. They have also requested me to transmit to Your Lordship a narrative of all the proceedings referred to, in said letter.

As Admiral Montagu has endeavored to fix a stigma on my character and administration as Governor of this colony, by charging me with attempting to distress the King's officers from strictly complying with his orders, Your Lordship will indulge me with giving a short account of my proceedings, by which the ungenerous accusation of Admiral Montagu, will, I flatter myself, appear not to have the least foundation in truth.

On the 21st of March last, a number of the inhabitants of this colony, gentlemen of established character, and whose loyalty to their sovereign is not to be questioned, exhibited to me a complaint in writing, that a certain schooner was cruising

in the Narragansett River, boarding every vessel and boat that passed, and otherwise interrupting them in the pursuit of their lawful business; and not knowing by what authority the persons belonging to said schooner exercised that power within the body of the colony, requested me to make such inquiry concerning the same, as was consistent with law.

It therefore, became my indispensable duty, in order to satisfy the complaints, to demand of the commanding officer of said schooner, the reason of his thus acting, and whether he was vested with such powers as would justify his proceedings, which produced my letter to him of the 22d of March. It was answered by Wm. Dudingston, of the schooner Gaspee; but, as he did not give me that satisfaction I conceived I had an indisputable right to expect, I wrote another letter; whereupon, he sent me, by one of his officers, an order from the lords of the admiralty, for his commanding the schooner Gaspee; also, their letter to the commissioners at Boston, requesting that board to give him a deputation in the customs, both which, I returned to the officer in the same hour he brought them, without attempting in the least, to distress or oppose him in the execution of his duty.

This, My Lord, is a true state of facts; and I believe Your Lordship is convinced that, in my proceedings, I have done nothing but what was my duty; and that Admiral Montagu's accusation is as groundless as it is illiberal.

When I wrote my first letter, I do, upon my honor, declare, that I did not know whether the schooner complained of, was the Gaspee or not; and even if I did, in my opinion, I am justifiable, as I was entirely unacquainted with Mr. Dudingston's authority, either as an officer in the revenue or navy; and I do not believe he had any right to officiate as a custom house officer within the body of this colony, before he had communicated to me, or some proper authority, his commission for so doing.

I must not omit mentioning, that the information which Admiral Montagu says he has received, that the people of Newport talk of fitting out an armed vessel to rescue any seizures which may be made by the King's vessels, is, Your Lordship may be assured, a malicious representation, calculated, by the enemies of our happy constitution, to injure the colony, and bring upon the inhabitants his Majesty's displeasure.

I acknowledge it a singular happiness, that this affair is brought before Your Lordship; and that your candor and inflexible integrity will fix the charge of insolence where it really belongs. I submit the dispute with pleasure, from a thorough conviction, that Your Lordship's opinion thereupon, will be consonant to the strictest equity.

It is now my turn to complain of Mr. Dudingston's illegal proceedings, in carrying a quantity of rum, he had seized on board a small boat, lying within the county of Kent, in this colony, to Boston, for trial; notwithstanding, by the 8th of His Majesty, it is expressly declared, that all forfeitures of this kind, shall be tried in that colony where the offence is committed.

To recite every particular of his unwarrantable proceedings, would, My Lord, be too tedious. Let it then suffice, that since the Gaspee and Beaver have been stationed in this colony, the inhabitants have been insulted without any just cause, with the most abusive and contumelious language; and, I am sorry that I have reason to say, that the principal officers belonging to said vessels, have exercised that power with which they are vested, in a wanton and arbitrary manner, to the very great injury and disturbance of the colony.

I have, My Lord, constantly afforded the King's officers all the assistance in my power, in the legal discharge of their trust; but if any of them, through prejudice, ignorance of their duty or youthful indiscretion, insult this colony, it is my duty, as His Majesty's Governor, to remonstrate against it.

I am, &c., &c.,

J. WANTON.

To the Right Honorable Earl of Hillsborough, one of His Majesty's principal secretaries of state, Whitehall.

The foregoing letters present an account of the events which preceded the memorable night of the 9th of June, when the Gaspee was destroyed. That Dudingston did not act wisely, to say the least, in exerting the authority he did, without first exhibiting his commission, is evident. But it is certain, that in sending some of the property seized by him, within the jurisdiction of the county of Kent, in Rhode Island, to Boston, there to be adjudicated upon by the court of vice admiralty, he was clearly in the wrong; as an act of Parliament expressly declares that such seizures shall be adjudicated in the colony where the seizure is made. The goods here referred to, consisted of twelve hogsheads of rum, and some sugars, which were on board a sloop, bound from Greenwich to Newport, and were the property of Jacob Greene & Co., of Warwick.*

Dudingston seems to have been aware that this act was an illegal one, as he did not dare to go on shore, having been threatened with a suit at law by the owners of the goods.

Next in order, is the destruction of the Gaspee, the narrative of the particulars of which, we shall give, as written by Col. Ephraim Bowen, the last survivor of the party which destroyed this vessel.

Narrative of the Capture and Burning of the British Schooner Gaspee.

“In the year 1772, the British government had stationed at Newport, Rhode Island, a sloop of war, with her tender, a schooner, called the Gaspee, of eight guns, commanded by William Dudingston, a lieutenant in the British navy; for

* The firm consisted of Jacob, William, Elisha, Christopher and Perry Greene.

the purpose of preventing the clandestine landing of articles, subject to the payment of duty. The captain of this schooner made it his practice to stop and board all vessels entering or leaving the ports of Rhode Island, or leaving Newport for Providence.

On the 10th day of June, 1772, Capt. Thomas Lindsey left Newport, in his packet for Providence, about noon, with the wind at the north; and soon after, the Gaspee was under sail, in pursuit of Lindsey, and continued the chase as far as Namquit Point, which runs off from the farm in Warwick, about seven miles below Providence, now owned by Mr. John Brown Francis, our late Governor.

Lindsey was standing easterly, with the tide on ebb about two hours, when he hove about, at the end of Namquit Point, and stood to the westward; and Dudingston, in close chase, changed his course, and ran on the Point, near its end, and grounded.

Lindsey continued on his course up the river, and arrived at Providence about sunset, when he immediately informed Mr. John Brown, one of our first and most respectable merchants, of the situation of the Gaspee. He immediately concluded that she would remain immovable until after midnight, and that now an opportunity offered of putting an end to the trouble and vexation she daily caused.

Mr. Brown immediately resolved on her destruction, and he forthwith directed one of his trusty shipmasters to collect eight of the largest long boats in the harbor, with five oars to each; to have the oars and row-locks well muffled, to prevent noise, and to place them at Fenner's Wharf, directly opposite to the dwelling of Mr. James Sabin, who kept a house of board and entertainment for gentlemen; being the same house purchased a few years after, by the late Welcome Arnold, one of our enterprising merchants; and is now owned by, and is the residence of Col. Richard J. Arnold, his son.*

* "This house, then unfinished, was occupied as an inn. It was soon after purchased and completed by Welcome Arnold, who resided there, till his death, in 1798. It then became the residence of his eldest son, Samuel G. Arnold, father of the writer [the Hon.

About the time of the shutting up of the shops, soon after sunset, a man passed along the main street, beating a drum, and informing the inhabitants of the fact that the Gaspee was aground on Namquit Point, and would not float off until three o'clock, the next morning; and inviting those persons who felt a disposition to go and destroy that troublesome vessel, to repair in the evening to Mr. James Sabin's house. About nine o'clock, I took my father's gun, and my powder horn and bullets, and went to Mr. Sabin's, and found the south-east room full of people, where I loaded my gun, and all remained there till about ten o'clock, some casting bullets in the kitchen, and others making arrangements for departure, when orders were given to cross the street to Fenner's Wharf, and embark; which soon took place, and a sea captain acted as steersman of each boat; of whom, I recollect Capt. Abraham Whipple, Capt. John B. Hopkins (with whom I embarked), and Capt. Benjamin Dunn. A line, from right to left was soon formed, with Capt. Whipple on the right, and Capt. Hopkins on the right of the left wing.

The party thus proceeded, till within about sixty yards of the Gaspee, when a sentinel hailed, "Who comes there?" No answer. He hailed again, and no answer.

In about a minute, Dudingston mounted the starboard gun-wale, in his shirt, and hailed, "Who comes there?" No answer. He hailed again, when Capt. Whipple answered as follows:

"I am the sheriff of the county of Kent, G-d d—n you. I have got a warrant to apprehend you, G-d d—n you; so surrender, G-d d—n you."

Samuel G. Arnold], and subsequently of his youngest son, Richard J. Arnold, the present owner, who has altered and enlarged it materially, within a few years. It is now the winter residence of the author of this history. The house is No. 124, on the east side of South Main Street, on the north-east corner of Planet Street.

This brief sketch may find an excuse in the rich revolutionary associations that surround it. The year before his death, Col. Ephraim Bowen, the last survivor of the Gaspee expedition, wrote an account of that affair, which was engrossed by his daughter, and now hangs in the dining room of the old mansion; the identical room in which the plot was laid.—*Note to Arnold's Hist. of Rhode Island, Vol. II. p. 312.*

I took my seat on the main thwart, near the larboard row-lock, with my gun by my right side, facing forwards.

As soon as Dudingston began to hail, Joseph Bucklin, who was standing on the main thwart, by my right side, said to me, "Ephe, reach me your gun, and I can kill that fellow." I reached it to him, accordingly; when, during Capt. Whipple's replying, Bucklin fired, and Dudingston fell; and Bucklin exclaimed, "I have killed the rascal."

In less than a minute after Capt. Whipple's answer, the boats were alongside of the Gaspee, and boarded without opposition. The men on deck retreated below, as Dudingston entered the cabin.

As soon as it was discovered that he was wounded, John Mawney, who had for two or three years been studying physic and surgery, was ordered to go into the cabin, and dress Dudingston's wound, and I was directed to assist him. On examination, it was found the ball took effect about five inches directly below the navel. Dudingston called for Mr. Dickinson to produce bandages and other necessaries, for the dressing of the wound, and when finished, orders were given to the schooner's company to collect their clothing, and every thing belonging to them, and put them into their boats, as all of them were to be sent on shore.

All were soon collected, and put on board of the boats, including one of our boats. They departed, and landed Dudingston at the old Still-house Wharf, at Pawtuxet, and put the chief into the house of Joseph Rhodes.

Soon after, all the party were ordered to depart, leaving one boat for the leaders of the expedition; who soon set the vessel on fire, which consumed her to the water's edge.

The names of the most conspicuous actors in this remarkable event, are as follows, viz: Mr. John Brown,* Captains

* JOHN BROWN, and his brother JOSEPH BROWN, were (as Admiral Montagu observes in his letter to Governor Wanton,) among the most prominent citizens of Providence. This family, as is well known to the people of Rhode Island, have ever been among its most distinguished citizens.

The first of them, Chad Brown, was one of the five associates of Roger Williams, who were the earliest founders of the State. John Brown, at the period referred to, was the

Abraham Whipple,* John B. Hopkins,† Benjamin Dunn and five others, whose names I have forgotten; and John Mawney,‡ Benjamin Page,§ Joseph Bucklin|| and Turpin Smith,¶

leading merchant in the colony. He was also distinguished as an earnest patron of literature and science; being among the founders of Brown University, and otherwise contributing liberally for the encouragement of science. His brother Moses, who died Sept. 6, 1836, in his 99th year, was a distinguished philanthropist and encourager of education. Obadiah, his cousin, was the founder of the Friends' Boarding School.

The descendants of these brothers, have been equally distinguished in commerce, navigation and manufactures, as well as liberal benefactors of our literary and charitable institutions.

* **ABRAHAM WHIPPLE** was captain of a merchantman, in the West India trade. During the French war, he commanded the "Game Cock," a celebrated privateer, which, in one cruise, took twenty-three prizes. His shrewdness and bravery, led to his selection as captain of the party which destroyed the Gaspee. On the breaking out of the revolutionary war, he became a commander in the American navy, and rendered his country most important service.

† **JOHN B. HOPKINS**, was a son of Commodore Esek Hopkins, a distinguished officer of the revolution, and nephew of Gov. Stephen Hopkins, one of the signers of the declaration of Independence. He commanded the ship Cabot, one of the fleet that sailed from Rhode Island, February 17, 1776. In an action that took place on this cruise, he was severely wounded.

‡ **JOHN MAWNEY**, was a descendant of one of the Huguenot families, that came to this country about the year 1700. He was educated to the profession of medicine; though, having inherited an ample estate, he never practised it to a very great extent. He was at one time, a colonel in the Rhode Island militia, and afterwards sheriff of the county of Providence. He was distinguished for his classical attainments, and to the close of his long life, read with unabated interest, the Greek and Latin poets. He suffered greatly in the public esteem, on account of his bold and unblushing irreverence and infidelity.

It is believed that there are none of his descendants now living; it is certain that there are none in the male line. He died at a great age, on his estate, in that part of Cranston, now known as Elmwood.

§ **BENJAMIN PAGE**, was a prominent ship master, and for many years commander of a ship in the East India trade.

|| **JOSEPH BUCKLIN**, was well known in Providence, and kept a prominent restaurant, or place of resort, in South Main Street, where gentlemen resorted for their suppers. Here, too, they assembled, to discuss politics; and where, possibly, the expedition which destroyed the Gaspee, was discussed, as well as at Mr. Sabins's house, which was near it.

¶ **TURPIN SMITH**, after the revolution, became a prominent shipmaster; in which pursuit, he accumulated a handsome property. After his retirement from maritime life, he lived in Providence, greatly respected and beloved, discharging faithfully all the duties of a good citizen. He attained to more than four score years, and left to his posterity the rich inheritance of an unspotted name.

Extract from the *Providence Journal*, relative to the Gaspee affair, in the celebration of the 4th of July, 1826, the fiftieth anniversary. In speaking of the parties in the procession, the account says:

"After these, the four surviving captors of the King's armed schooner Gaspee, rode in an elegant harouche, procured by Mr. Blake, of the Franklin House, expressly for this occasion. Mr. Blake, himself, appeared on the box, and managed with great dexterity, the four spirited horses attached to the carriage.

It was a matter of most interesting association and recollection, to witness these four surviving *lads*, who burnt the Gaspee (as the orator so happily termed them), at the end or fifty-four years, riding in a splendid equipage, and receiving the award of a republican tri-

my youthful companions ; all of whom are dead, I believe, every man of the party, excepting myself ; and my age is eighty-six years, this 29th day of August, 1839.

EPHRAIM BOWEN.*

Colonel Bowen is in error as to the day on which the Gaspee was destroyed. He gives it as the 10th ; whereas, it is certain that it was on the night of the 9th of June. Capt. Lindsey's sloop, called the Hannah, according to the Providence Gazette, of June 13, arrived at Newport on Monday the 8th, from New York, where she reported her cargo at the custom house ; and on the following day, proceeded up the bay, to Providence, chased by the Gaspee. The attack was planned and carried into execution on the night of the 9th, by the burning of the vessel ; but as the destruction was not complete until the morning of the 10th, either day is applicable to the event. The proclamation of Governor Wanton, in relation to the affair, which is dated on the 12th, says the vessel was destroyed on "the 9th instant, in the night." Col. Bowen is also in error, as to the name of the captain, which was Benjamin, and not Thomas Lindsey.†

Mr. John Mawney, who was one of the party conspicuous

umph, for a deed, the commission of which, at that time, had well nigh caused them to ride in a cart to Execution Dock, or to be drawn on a hurdle to Tyburn, for high treason ; an event they anticipated as vastly more likely, than that in 1826, the jubilee of American freedom, they should become the time honored objects of the greatest interest to an immense concourse of citizens, thronging the streets, and crowding to the altar of freedom, to offer up the sacrifices and thanksgivings of a great, prosperous and free people. These four veterans, Col. Ephraim Bowen, Capt. Benjamin Page, Col. John Mawney and Capt. Turpin Smith, are among our most respected citizens ; and on this occasion, the spirit that first animated them, in 1772, seemed to kindle anew in their still vigorous frames. We believe, from the present ages of these veterans, they were all not over twenty years of age, at the time of the attack upon the Gaspee."

* The compiler of the present history of the Gaspee affair, was well acquainted with the venerable Col. Bowen, and often rode in his chaise with him, between Providence and his residence, in Pawtuxet. On these occasions, the Colonel liked to give his revolutionary reminiscences ; among which, his connexion with the destruction of the Gaspee, was prominent. The writer also remembers John Mawney and Turpin Smith, who, with Col. Bowen, always had a prominent place in the proceedings connected with the 4th of July celebrations in Providence.—J. R. B.

† Arnold's History of Rhode Island. Vol II. p. 320.

in the affair, published in the *Providence American and Gazette*, in the year 1826, a statement, in which some additional facts are given.

After hearing the drum beat, he hastened to Mr. Sabin's, the place of rendezvous, where he learned the object of the meeting; and on being urged by some of his acquaintances, was induced to accompany them, as surgeon.

Statement of Dr. John Mawney.

"To this," he says, "I readily consented, and went to Corlis' wharf, with Capt. Joseph Tillinghast, who commanded the barge, it being the last boat that put off; and in going down, we stopped at Capt. Cooke's Wharf, where we took in staves and paving stones; which done, followed our commander, and came up with them a considerable distance down the river; after which, we rowed along pretty rapidly, till we came in sight of the schooner, when Capt. (the late Commodore Whipple,) ordered us to form a line, which was instantly complied with; after which, we rowed gently along, till we got near the schooner; when we were hailed from on board, with the words, 'Who comes there?'"

Capt. Whipple replied, 'I want to come on board.'

The reply was, 'Stand off, you can't come on board.'

On which Capt. Whipple roared out, 'I am the sheriff of the county of Kent; I am come for the commander of this vessel, and have him I will, dead or alive; men, spring to your oars!' when we were in an instant on her bows.

I was then sitting with Capt. Tillinghast, in the stern of the barge, and sprang immediately forward; and seeing a rope hang down her bows, seized it, to help myself in. The rope slipping, I fell almost to my waist in the water; but, being active and nimble, I recovered, and was the first of our crew on deck; when Simeon H. Olney handed me a stave, with which, seeing one that I took to be of the crew of the schooner, floundering below the windlass, I was in the attitude of lev-

elling a stroke, when he cried out, 'John, don't strike.' Being very intimately acquainted with Capt. Samuel Dunn, I knew his voice, left him, and sprang back of the windlass, where there was commotion and noise, but which soon subsided; the crew jumping down the hold, I immediately followed, when I ordered them to bring cords to tie their hands, and told them they should not be hurt, but be sent on shore. They brought some tarred strings, with which I tied the hands of two behind, when John Brown, Esq., called to me, saying I was wanted immediately on deck, where I was instantly helped.

When I asked Mr. Brown what was the matter, he replied, 'Don't call names, but go immediately into the cabin, there is one wounded, and will bleed to death.'

I hastened into the cabin, and found Lieut. Dudingston in a sitting posture, gently reclining to the left, bleeding profusely, with a thin, white woolen blanket, loose about him, which I threw aside, and discovered the effect of a musket ball, in his left groin; and thinking the femoral artery was cut, threw open my waistcoat, and taking my shirt by the collar, tore it to my waistband, when Mr. Dudingston said, 'Pray sir, don't tear your clothes, there is linen in that trunk;' upon which, I requested Joseph Bucklin to break open the trunk, and tear linen and scrape lint, which he immediately attempted; but finding the linen new and strong, could not make the lint.

I then directed him to place his hands as I had mine, which was, the ball of my left hand on the orifice of the wound; and gave him the word to slip his hand under mine, and to press hard, to prevent the effusion of blood; which being done, I went to the linen, and attempted to scrape it into lint, but found I could not effect it. As daylight was fast coming on, and our time short, I then tore the linen into strips, for compresses and the necessary bandages; which was done, by knotting them into long strips, placed the compresses five or six deep, and with the ligatures by the lieutenant.

All being prepared, I told Bucklin to raise his hands, when I instantly placed the compresses on the orifice; and placing the bandage round the thigh, over the wound, and crossing it above, drew tight, so that the effusion of blood was stopped.

During the operation, I was several times called upon at the door, but was not ready. When the door was opened, many rushed in, and attacked the bottles. I having boots on, stamped on them, and requested others to assist, which was readily done. During this, Mr. Dudingston was carried out of the room, and I never saw him after, notwithstanding I had several invitations, through Dr. Henry Sterling.

When I came on deck, I saw Capt. Tillinghast, and some others. We got into the boat, and rowed up the river a certain distance, and went by land up to town; when Capt. Tillinghast, who was then living with me, after taking breakfast, went on the hill to view the smoking ruins of the vessel, which was all in flames soon after we left it.*

JOHN MAWNEY."

This statement of Dr. Mawney, differs somewhat from that of Col. Bowen, though in nothing that is material. It is quite natural, that among so many men, incidents might take place which all did not observe. The attention of the doctor was particularly directed to the wounded officer; though, it would appear that he had been as ready to inflict, as to cure wounds.

"From a subsequent statement of Dr. Mawney, it appears that Lieut. Dudingston was not wanting in gratitude to his surgeon. After his wound was dressed, he offered Dr. Mawney a gold stock buckle, as a testimonial of his gratitude.

* The Providence Gazette, of June 13, 1772, after giving an account of the burning of the Gaspee, adds the following:

"We hear that one Daggett, belonging to the Vineyard, who had served the beforementioned schooner, as a pilot, but at the time of her being destroyed, was on board the Beaver sloop of war, on going ashore a few days since, at Narragansett, to a sheep-shearing, was seized by the company, who cut off his hair, and performed on him the operation of shearing, in such a manner, that his ears and nose were in imminent danger."

This was refused; but a silver one was afterwards offered and accepted, and worn by Dr. Mawney, but a little while before his death."*

The first official notice of the destruction of the Gaspee, is a letter from Deputy Governor Sessions, to Governor Wanton, written the day following that event, after he had paid a visit to Lieut. Dudingston, at Pawtuxet. It appears that the first act of the Deputy Governor, on hearing of the affair, was to see the wounded officer, and endeavor to do all that lay in his power to ameliorate his sufferings, and administer to his comforts.

Deputy Governor Sessions to the Governor of Rhode Island.

Providence, June 11, 1772.

Sir:—A very disagreeable affair has lately happened within this part of the colony. Last Tuesday night, as His Majesty's schooner, the Gaspee, lay aground on the point of land, called Namquit, a little below Pawtuxet, she was boarded in a hostile manner, by a number of persons unknown, who, in the attack, dangerously wounded the commander, William Dudingston, by firing a pistol or musket ball through his arm, from whence it passed and entered near his groin, and is now lodged in some part of his body.

As soon as they had secured the possession of the vessel, they took out the captain, with all the people; the greater part being first pinioned, put them into boats, and then put them ashore on the main land, near Pawtuxet; after which, they put fire to the schooner, which soon reduced her to ashes, down to the water's edge.

Upon my receiving the news, I immediately set out for Pawtuxet, attended by some gentlemen from this town, went directly to Capt. Dudingston, told him if he needed any money, surgeons, or a removal of his person to a place more convenient, I would give him all the assistance in my power.

He replied, he wanted no favors with respect to himself, but only desired some care might be taken of his people, that they might be collected together, and sent either to Boston, to the admiral, or else to the Beaver, at Newport, which I promised to take care to do.

I then informed him, that the design of my visit, at that time, was not only to afford him any relief his circumstances might require, but also to gain a declaration from his own mouth respecting the attack that had been made on his person, and the vessel he commanded, that the perpetrators might be brought to justice.

He answered, he would give me no account of the matter. First, because of his indisposition of body; and secondly, because it was his duty to forbear any thing of the nature till he had done it to his commanding officer, at a court martial, to which, if he lived, he must be called; but if he died, he desired it might all die with him.

* Judge Staples's Documentary History, p. 10.

I then asked him if he was willing I should examine any of his officers and people.

He said he was willing. I then proceeded to examine a number of them, they all agreeing nearly to the same thing; and herewith convey to Your Honor copies of the most material of their declarations. The dangerous tendency of this transaction, is too obvious, to pass it over with the least appearance of neglect; and therefore, doubt not Your Honor will give it due attention, and prosecute such measures as wisdom and prudence shall dictate.

It is the prevailing opinion of the gentlemen in this quarter, that a proclamation, with a large reward, be issued, for apprehending the persons who have thus offended. You will please consult the gentlemen your way; and, in the mean time, I will endeavor to collect the sentiments of the members of the Assembly, and other principal gentlemen by name, and send the same to Your Honor, as soon as may be.

I am, &c., &c.,

DARIUS SESSIONS.

To Governor Wanton.

Enclosed in this letter, were the following affidavits :

Affidavit of Bartholomew Cheever.

The examination of Bartholomew Cheever, seaman, lately belonging to His Majesty's schooner, the Gaspee, taken by Darius Sessions, Deputy Governor of the colony of Rhode Island, &c., is as followeth, viz. :

That the said schooner, being bound from Newport up to Providence, to take on board some of His Majesty's seamen, that were expected from Boston, did, on the 9th of this instant, at about three o'clock, in the afternoon of said day, run aground on a point of land, about six miles below the town of Providence, where she, the said schooner, lay until twelve o'clock, at night, at which time, he, the said Cheever, was called upon deck, to take the watch. About three-quarters of an hour afterwards, the schooner yet being aground, he observed some long boats, about six or seven in number, full of men, drawing near to the schooner; upon which, he informed the commander, Capt. Dudingston, who immediately came on deck, and ordered him to hail them, and bid them stand off, on their peril; to which they answered, "D—n you, we have you."

The captain then ordered him to call all hands on deck, which he did; but before many of them got up, the boats were alongside, and the crews getting on board; and as they were entering the schooner, he saw the flash and heard the report of a musket, and heard the captain cry out, he was a dead man.

We were then ordered into the hold, and taken out separately, and put into the boat alongside, the most of us being pinióned, and then put on shore on the main land; where we had not been long, before we saw the schooner on fire, where she continued burning, till the fire reached the water's edge.

Question—Did you, or do you know, or do you remember, ever to have seen before, any of those persons that boarded the schooner at that time?

Answer—No.

his
BARTHOLOMEW ~~X~~ CHEEVER.
mark.

Colony of Rhode Island, &c., }
 Warwick, June 10, 1772. }

The above named Bartholomew Cheever was solemnly sworn to the truth of the foregoing declaration, to the which he has subscribed as above, before—

DARIUS SESSIONS,
 Deputy Governor.

Affidavits of John Johnson and William J. Caple.

The examination of John Johnson, boatswain of His Majesty's schooner Gaspee, commanded by William Dudingston; together with the examination of Wm. J. Caple, a seaman on board said schooner, taken this 10th day of June, in the twelfth year of His Majesty's reign, A. D. 1772, before the Hon. Darius Sessions, Deputy Governor, severally say:

That on the 9th of June, being bound with said schooner, to the town of Providence, in order to take on board some of His Majesty's seamen, which were expected from Boston, in order to re-place them on board His Majesty's ship to which they belonged, about three o'clock in the afternoon of said day, the schooner grounded on a point in the Narragansett Bay, about six miles southward of the town of Providence; and about the middle of the night, following, the schooner still being on ground, there being but one hand on deck, he discovered seven or eight long boats, with a number of persons aboard them; on which, the person on deck informed the commander, Wm. Dudingston, who hailed the boats, and ordered them to keep off; but the persons on board said boats, not regarding the commander's orders, came near, in order to board said schooner; on which, the captain or commander, called all hands; but before he was on deck, we heard two small arms or pistols fired; and when coming on deck, the schooner was boarded; and being in the hatchway, said Johnson received several blows with a stick, and as soon as we were on deck, we were bound, and all the rest of the seamen bound likewise, and put on board their boat, and landed on the west side of said bay, together with the captain or commander, who was much wounded.

Question—Have you any knowledge of the persons that boarded the schooner?

Answer—No.

his
 JOHN X JOHNSON.
 mark.

his
 WILLIAM J. X CAPLE.
 mark.

Colony of Rhode Island, &c., }
 Warwick, June 10, 1772. }

The within John Johnson and William J. Caple made solemn oath to the truth of the within or foregoing declaration, to which they have subscribed, before—

DARIUS SESSIONS,
 Deputy Governor.

On the following day, June 12, Governor Sessions addressed another letter to Governor Wanton; the bearer of which, probably brought back to him the proclamation of Governor Wanton, which follows:

Deputy Governor Sessions to the Governor of Rhode Island.

Providence, June 12, 1772.

Sir:—Since I wrote you yesterday, by Hacker, I have received the advice of all the civil authority in this town, as well as an application in writing, signed by a great number of the most reputable inhabitants, who are unanimously of opinion, and earnestly desire that Your Honor forthwith issue a proclamation, with proper reward, for the apprehending and bringing to justice any and every person that was concerned in destroying the schooner Gaspee, or in assaulting and wounding William Dudingston, the commander of said schooner; and, if Your Honor finds it expedient to put forth such a proclamation, it is requested that a copy thereof, may be sent by the bearer, who goes express, and has orders to wait until it is determined whether a proclamation be issued or not; and if it be, to bring it back with him timely, that it may be inserted in our newspaper to-morrow.

Some exceptions are taken at the Gaspee's being called His Majesty's schooner, as it is thought by some, she, in fact, really was not, and consequently did not deserve that appellation.

If the evidence we have in that respect, be sufficient to denominate her a King's vessel, she ought to be called so; if not, then only without any compliment, the schooner Gaspee; which is submitted to Your Honor's better knowledge and discretion, by—

Your Honor's most humble servant,

DARIUS SESSIONS.

P. S.—Dr. Sterling, who attends Capt. Dudingston, informed us yesterday that he was in a fair way to recover of his wounds.

To Governor Wanton.

To the Hon. Joseph Wanton, Esq., at Newport.

*Proclamation of the Governor of Rhode Island, relative to the
Destruction of the Gaspee.*



By the Honorable Joseph Wanton, Esquire, Governor, Captain General and Commander in Chief of, and over the English Colony of Rhode Island and Providence Plantations, in New England, in America—

A PROCLAMATION.

Whereas, on Tuesday, the 9th inst., in the night, a number of people unknown, boarded His Majesty's armed schooner the Gaspee, as she lay aground on a point of land, called Nanquit, a little to the southward of Pawtuxet, in the colony, aforesaid, who dangerously wounded William Dudingston, the commander, and by force took him, with all his people, put them into boats, and landed them near Pawtuxet, and afterwards set fire to the said schooner, whereby she was totally destroyed.

I have, therefore, thought fit, by and with the advice of such of His Majesty's Council as could be seasonably convened, to issue this proclamation, strictly charging and commanding all His Majesty's officers, within the said colony, both civil and military, to exert themselves with the utmost vigilance, to discover and apprehend the persons guilty of the aforesaid atrocious crime, that they may be brought to condign punishment.

And I do hereby offer a reward of one hundred pounds, sterling money of Great Britain, to any person or persons, who shall discover the perpetrators of the said villainy, to be paid immediately upon the conviction of any one or more of them.

And the several sheriffs in the said colony, are hereby required forthwith to cause this proclamation to be posted up in the most public places in each of the towns in their respective counties.



Given under my hand and seal at arms, at Newport,
this 12th day of June, in the twelfth year of the
reign of His Most Sacred Majesty George the
Third, by the grace of God, King of Great Britain,
and so forth. Anno Dom. 1772. J. WANTON.

By His Honor's command:

HENRY WARD, Secretary.

God save the King.

Notwithstanding the wound of Lieutenant Dudingston, he probably on the morning of the 10th of June, dispatched a messenger to Admiral Montagu, with the news of the loss of his vessel.

The messenger was doubtless William Dickinson, a midshipman; as the following letter, dated the 11th, was received by Governor Wanton, from the admiral, endorsing the deposition of Dickinson.

Admiral Montagu to the Governor of Rhode Island.

Boston, 11th June, 1772.

Sir:—Enclosed I transmit Your Excellency a deposition taken before me, of the piratical proceedings of the people of Providence, in Rhode Island government, by attacking His Majesty's schooner with an armed force, wounding her commander in a dangerous manner, and then setting her on fire.

I am to request Your Excellency will use such methods as you shall think proper, for apprehending and bringing the offenders to justice. I am now dispatching a sloop to England with the account I enclose to you; and am, &c., &c.,

J. MONTAGU.

To His Excellency Governor Wanton.

The deposition enclosed, was that of William Dickinson, which was as follows:

Deposition of William Dickinson.

William Dickinson, midshipman of His Majesty's schooner Gaspee, sayeth:

That the said schooner was at single anchor about three leagues below Providence, in Rhode Island government, 10th of June, 1772, and about half past twelve o'clock, in the night or morning, the watch gave the alarm that a number of boats were coming down the river, and very near us (being an exceeding dark night), we hailed them, and ordered them to keep off.

They instantly gave us three cheers; on which, we fired at them with muskets, which they immediately returned with a half a dozen muskets (or thereabouts). We then fired our pistols, on which they boarded us upon the starboard bow, and fired a number of small arms. Immediately Lieutenant Dudingston (her commander,) cried out, "Good God, I am done for." He was wounded in his groin and arm.

While we were disputing forward, relative to their boarding us, three other boats boarded us, upon the quarter. In the three boats which boarded us upon the quarter, there were thirty or forty men, at least; and in the whole, I suppose about one hundred and fifty in number, on which we thought proper (the lieutenant being wounded.) to surrender.

When they had got possession of the schooner, they used the people very ill, by pinioning of them, and throwing them into their boats, and refused the lieutenant and officers any necessaries but what they had on, and not even suffered the commanding officer to have his papers, and robbed his servant of several silver spoons, and threw his linen and apparel overboard.

We were then sent ashore, in two different boats; the lieutenant and part of the men in one boat, and myself with the rest of the people in the other boat, at the distance of about two miles asunder, as we found at daylight. I remained on the beach; and about half past three o'clock, saw the schooner on fire; and about half past four, I saw three boats put off from her, full of men, and rowed up towards Providence; and an hour after, another boat came by her, and landed her men at Pawtuxet.

Questions by Admiral Montagu.

Q.—How long had you been lying in Providence River?

A.—We came to an anchor there, at about four o'clock, in the afternoon of the 9th of June.

Q.—Had you sent any boat ashore.

A.—No; but employed sounding the harbor.

Q.—Had you been at Providence before, during the time you were upon that station?

A.—No.

Q.—Do you imagine that the people who boarded you, came from Providence?

A.—Yes; I believe the most part, but cannot say all, as one boat landed her men at Pawtuxet.

Q.—What distance is Pawtuxet from Providence, by land?

A.—Five miles.

Q.—What distance were the boats from the schooner, when they were first seen?

A.—I was not upon deck at first, myself; but when I saw them, they were about one hundred yards.

Q.—Why did you not fire your great guns at them?

A.—They boarded us upon the bows, and were so near to us, that we had not time to get our guns out at the bow ports.

Q.—Did any of the people that boarded you, appear like gentlemen?

A.—Yes; many of them appeared like men of credit and tradesmen; and but few like common men.

Q.—Did they make use of any opprobrious language?

A.—Yes; by threatening to put the lieutenant to death, and calling us piratical rascals.

Q.—Where did you leave the Beaver?

A.—Off Golden Island, in the mouth of Seaconnet Passage.

Q.—What distance from you?

A.—About twenty-five miles.

Q.—Could she be in sight when this happened?

A.—No; the main land is between.

Q.—Is there any thing more that you can recollect?

A.—Yes; one of the people took me by the collar, and said, "D—n you, where

is your pilot Daggett?" I answered, he was discharged six weeks ago. He answered, "D—n your blood, you lie;" and said they would find him, and flee him alive.

Q.—Did they suffer the lieutenant to put on any clothes, after he was wounded?

A.—No; he was in his shirt, with his great coat over his shoulders, and a blanket round his body.

Q.—Was any other person wounded, except the lieutenant?

A.—Yes; one in the head.

And I further declare, that when Lieutenant Dudingston came on deck, I saw him go and stand by the starboard foreshrouds, in his shirt, with a pistol in one hand and a hanger in the other. After he was wounded, he got aft, and sat down by the cabin companion way, when the two ring-leaders, with a number following them, came to him, and said:

"Now, you piratical rascal, we have got you. D—n you, we will hang you all by the laws of Great Britain. D—n you, what made you fire, when we answered you that the head sheriff was in the boat?"

The captain (N. B. The head sheriff and captain are fictitious names that the ring-leaders went by) said, "Stand aside, let me dispatch the piratical dog."

He then lifted a handspike over Mr. Dudingston's head, who asked "if they would give no quarters?"

They answered "No."

He then desired they would let me bind up his wounds, for he was shot, and showed them the wound in his left arm.

They then said, "D—n your blood, you are shot by your own people."

He was then taken down into the cabin, by some of the mob. They then pinned me, and put me into the boat, where I remained for half an hour; when one of the mob called to their people in the boat to loosen me, for the lieutenant wanted me. I went down in the cabin to him. He was laid on the after lockers, and one of the mob washing and binding up his wounds. The mob then got him on deck, and put him into a boat, and put off.

Soon after, I was ordered into the boat again, and put off. In going on shore, I saw a negro with the lieutenant's hanger; being asked by another how he got it, he said he took it from the captain.

Being down in the cabin, with Lieutenant Dudingston, the ring-leaders, and some of the principal of the mob demanded his papers and orders for his proceeding in such piratical manner. I then showed them the commission from the lords of the admiralty, with all his orders and instructions that he had received from the admiral, which they took and carried away.

In going ashore, one of the mob that rowed the boat, said, that he and several more, would not have been there, but that they were taken out of a house by force, and compelled to go; that they beat a drum round the town of Providence, in the evening, to raise a mob.

W. DICKINSON.

Suffolk, sc. Province of the Massachusetts Bay, }
Boston, June 11, 1772. }

The above named William Dickinson, personally appearing, maketh solemn oath to the truth of the foregoing deposition, as written upon this and the six preceding pages, which is taken at the request of the Honorable John Montagu, Esq.

Before me,

EDMUND QUINCY.

The Governor of Rhode Island to Admiral Montagu, in reply.

Newport, June 12, 1772.

Sir:—I have this moment received Your Honor's letter, of yesterday, upon the destruction of His Majesty's schooner Gaspee.

Upon the first information of this unhappy affair, which gives me, and every friend to government, the highest concern, I called together all the members of the General Assembly that I could conveniently, who unanimously advised me to publish the proclamation, of which I enclose you a copy.

I have not, as yet, been able to collect all the circumstances of this daring insult upon authority, so as to give you a perfect idea of it; but by the evidence of three of the people of the Gaspee, taken before His Honor the Deputy Governor, copies of which, I transmit, you will perceive that there is a material difference between them and the account given by William Dickinson.

You may rely upon the utmost and continued exertions of the officers of this colony to detect and bring to justice the perpetrators of this violent outrage.

I have the pleasure to inform you, that Lieutenant Dudingston is in a fair way of recovery.

I am, sir, &c., &c.

J. WANTON.

To His Honor Admiral Montagu.

On the 12th, Lieutenant Dudingston had so far recovered, as to be able to write a letter to Admiral Montagu, wherein he presented his version of the destruction of his vessel. This differs but little from those of Col. Bowen and Dr. Mawney; as to the attack of the boats, his being wounded and the surrender of his vessel to an overpowering force.

It will be inferred, however, from the Lieutenant's account, that he and his crew were pretty harshly handled, which may have been true. He had given great offence to the people, by his overbearing conduct, and by his unlawful seizure of property; so that they were little disposed, in the contest on board his vessel, to treat him kindly. But after he had been taken to Pawtuxet, wounded, every attention was paid him.

It is natural, that in stating the case to Admiral Montagu, Dudingston would represent the circumstances as favorable to himself and crew as possible.

Lieut. Dudingston to Admiral Montoqu.

Pawtuxet, 12th June, 1772.

Sir:—On Wednesday morning, about one o'clock, as His Majesty's schooner was lying upon a spit of sand called Namecutt, the sentinels discovered a number of boats coming down the river, towards us.

As soon as I was acquainted with it, I came upon deck, and hailed the boats, forbidding them to come near the schooner, or I should order them to be fired upon.

They made answer, they had the sheriff with them, and must come on board.

I told them, the sheriff could not be admitted on board at that time of night; on which they set up a halloo, and rowed as fast as they could, towards the vessel's bows. I was then using every means in my power, to get the guns to bear upon them, which I could not affect, as they came right ahead of the vessel, she being aground. I then ordered the men to come forward with their small arms, and prevent them from boarding.

As I was standing myself to oppose them, and making a stroke with my sword, at the man who was attempting to come up, at that instant I found myself disabled in my left arm, and shot through the groin. I then stepped from the gunwale, with an intention to order them retire to close quarters; but soon saw that most of them were knocked down, and myself twice, (after telling them I was mortally wounded).

They damned me, and said I was not wounded: if I was, my own people had done it. As loss of blood, made me drop down upon deck, they ordered me to beg my life, and commanded the people to surrender. As I saw there was no possibility of defending the vessel against such numbers, who were in every respect armed, and commanded with regularity, by one who personated the sheriff, I thought it best for the people's preservation, to propose to them that I would order them to surrender, if they assured me they should not be hurt; which they did.

I then called out, which was immediately echoed by the people round me, that I had given them orders to surrender. They hurried all the people below, and ordered them up, one by one, and tied their hands behind their backs, then ordered them into different boats.

I then begged they would either dispatch me, or suffer my wounds to be dressed; upon that, they allowed my servant to be unbound, to get me things for dressing, and carried me below. But what was my surprise, when I came down in the cabin, two surgeons were ordered down from the deck, to dress me, who were furnished with drops, and began to scrape lint for that purpose.

During this time, I had an opportunity of observing the persons of about a dozen, who were in the cabin. They appeared to me to be merchants and masters of vessels, who were at my bureau, reading and examining my papers. They promised to let me have the schooner's books, and my clothes; instead of which, as they were handing me up, to go into the boat, they threw them overboard, or into some of the boats. I was soon afterwards thrust into a boat, almost naked.

During the time they were rowing me on shore, I had an opportunity of observing the boat; which appeared to me, to be a very large long-boat. I saw by the man who steered her, a cutlass lying by him, and directing the men to have their arms ready. As soon as they put off, the sheriff gave them orders to land me on some

neck, and the boat to come off immediately; and told me if I did not consent to pay the value of the rum, I must not expect to have any thing belonging to me, saved.

I made answer, whatever reparation the law would give, I was ready and willing; as to my things, they might do with them, as they pleased. They were accordingly going to land me on this neck, when I told them they had better throw me overboard. One man, who had a little more humanity than any of the rest, said they had better land me at the Point of Pawtuxet. As I was unable to stand, they unbound five of the men, and gave them a blanket to carry me up. When I was half way on shore, I heard some of the schooner's guns go off, and heard the people say she was on fire.

I had not been carried far, when the people exclaimed, I was on an island, and they saw no house; on which, they laid me down, and went in quest of one. Soon after, they came to acquaint me they saw one, which I was carried to; a man was immediately dispatched to Providence, for a surgeon. A little after, the people joined me, with the midshipman; all of whom, that I could persuade, are sent on board His Majesty's sloop Beaver.

The schooner is utterly destroyed, and every thing appertaining to her, me, and the schooner's company. If I live, I am not without hope of being able to convict some of the principal people that were with them. The pain, with the loss of blood, rendered me incapable of informing you before of the particulars. There are none of the people any ways wounded, but bruised with handspikes.

I am, sir, &c., &c.,

W. DUDINGSTON.

To Admiral Montagu.

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In the above letter, Dudingston says, that in taking him ashore, they told him, if he "did not consent to pay the value of the rum" he had seized, "he must not expect to have any thing saved belonging" to him; to which, he made answer, that he was ready to make "any reparation the law would give."

It appears, by the following letter, from the collector of customs, at Providence, that the owners of the goods referred to, lost no time in laying their hands on his person.

William Checkley, to the Commissioners of Customs.

[Providence], 12th June, 1772.

Honorable Gentlemen:—Hearing this morning, that the high sheriff was gone to arrest Capt. Dudingston, on the suit of Jacob Greene and others, for goods which Capt. Dudingston lately seized in the river, and carried to Boston, I went down immediately, and found the sheriff had just before arrested him: a copy of the writ I herewith enclose to Your Honors.

I offered to be security for him—but Capt. Dudingston told me he should not ask

any person to be security, as he did not expect to live long, and the sheriff might do as he pleased. The surgeons told me he was too ill to be moved; and as I expect the sheriff will use great severity with him, I humbly request Your Honors to give me such direction in the matter as to you shall seem necessary.*

I am, &c., &c.,

WILLIAM CHECKLEY.

To the Honourable His Majesty's Commissioners of Customs.

On the receipt of Lieutenant Dudingston's letter, of the 12th June, Admiral Montagu addressed the following to Governor Wanton.

The only thing that surprised the admiral in the statement of the lieutenant, was, that of his finding two surgeons in the cabin of the Gaspee, when he was taken down wounded; whence he doubtless inferred, that the attacking party expected to shed blood, and that it was a previously contrived plot.

Admiral Montagu to the Governor of Rhode Island.

Boston, 15th June, 1772.

Sir:—By return of express, I am favored with Your Excellency's letter, and am much obliged for the part you have taken in endeavoring to find out and bring to justice, those rebellious, lawless and piratical people, who were concerned in wounding the King's lieutenant, and burning his schooner.

It will not bear a dispute but that they belonged to Providence, as they were heard by four or five gentlemen that were in the town, and are now here, beating the drum to arms, to raise a body of people to destroy the King's schooner. I have perused the depositions which Your Excellency enclosed; and although they differ in words, yet the matter is much to the same purpose.

I have, since I received yours, received one from Lieutenant Dudingston, whose account nearly agrees with the other, with this addition only: that when he was carried down to his cabin, after he was wounded, he, to his great surprise, found two surgeons, that came off from the shore in the boats, ready to dress his wounds, with drops and scraping of lint; and at least a dozen of these people who were in the cabin, who were at his bureau reading and examining his papers, appeared to him to be merchants and masters of vessels.

It gives me pleasure to hear the lieutenant is in a fair way of recovery.

I am, sir, &c., &c.,

J. MONTAGU.

To His Excellency Governor Wanton.

* Jacob Greene & Co., the owners of the rum and sugar, referred to, commenced a suit at the July term of the court of common pleas, and recovered judgment against Dudingston for the illegal seizure.

Admiral Montagu lost no time transmitting to His Majesty's secretary of state, the Earl of Hillsborough, an account of this affair. His letter is dated on the very day of Governor Wanton's first letter to him; and his account of it was given from the version as presented to him by Lieutenant Dudingston, or some one else from the Gaspee, on the day she was destroyed. His account is very brief.

The deposition referred to, is doubtless that of William Dickinson, a midshipman of the Gaspee, a copy of which, was transmitted by the admiral to Governor Wanton, in his letter to him, of the 11th June.

Admiral Montagu to Lord Hillsborough.

Boston, in New England, }
12th June 1772. }

My Lord:—I was in hopes I should not have had occasion to trouble Your Lordship with any public letters, while I have the honor to command on the continent; but the lawless and piratical people of Rhode Island obliges me to write to you.

By the enclosed deposition, Your Lordship will see that this nest of daring smugglers have wounded in a most dangerous manner Lieut. Dudingston, and burnt the King's schooner Gaspee, under his command, for no other cause, except his being dilligent in the discharge of his duty, by giving every proper assistance to the fair trader, and using every endeavor to suppress the illicit trade that is carried on to a great degree, in that province, and which can never be checked unless there are more men-of-war stationed there, to keep the inhabitants in order.

I beg leave to refer Your Lordship to the enclosed deposition, for the particulars, and wait Your Lordship's instructions for what is to be done. Permit me to add, that the lieutenant that is wounded, is a sober, dilligent, good officer; and has most strictly done his duty since I have had the honor of commanding here, frequently at the hazard of his life, in assisting the revenue. Should he survive, which I have little hopes of, I beg leave to recommend him to Your Lordship's favor and protection.

I have the honor, &c., &c.,

J. MONTAGU.

To the Right Honorable Lord Hillsborough.

P. S. Herewith I transmit to Your Lordship copies of letters which have passed between me, Lieutenant Dudingston and the Governor of Rhode Island, which I did not think necessary to trouble Your Lordship with, until this melancholy affair of the schooner happened.

J. M.

The following is the official account of the destruction of the Gaspee, transmitted by Governor Wanton, to the Earl of Hillsborough.

The Governor of Rhode Island to the Earl of Hillsborough.

Newport, Rhode Island,)
June 16, 1772.)

My Lord:—I did myself the honor to write to Your Lordship on the 29th ultimo. I am now reduced to the necessity of addressing Your Lordship upon a most disagreeable subject; the destruction of the schooner Gaspee, under the command of Lieutenant William Dudingston, by persons unknown. The particulars relating to this unwarrantable transaction, so far as I have been able to collect them, are as follows:

On the 9th inst., she run aground on a point of land called Namquit, a little below Pawtuxet, on the Narragansett River, within this colony. About three-quarters of an hour after twelve o'clock, at night, there being but one hand on deck, six or seven boats, full of men, were by him discovered drawing towards said schooner; and before many of her hands had time to get upon deck, was boarded by the people in the boats, who, as soon as they had secured the possession of the schooner, took out the captain and all the people, and set them ashore on the main land; after which, they set fire to the schooner. In the attack, Mr. Dudingston was wounded by a ball through his arm, from whence it passed and lodged in some part of his body.

Mr. Sessions, the Deputy Governor of this colony, immediately upon hearing of this unhappy affair, went to Mr. Dudingston, and offered him all the help and assistance in his power; but Mr. Dudingston said he wanted no favors for himself.

The Deputy Governor then told him, that he came not only to offer him any relief his distressed circumstances might require, but also to gain a declaration from his own mouth respecting the destruction of the schooner under his command, that proper and rigorous measures might be taken to discover and bring the perpetrators to justice.

Mr. Dudingston answered, he would give him no account, because of his indisposition; and also, because it was his duty to forbear any thing of that kind, till he had done it to his commanding officer, at a court martial, to which, if he lived, he must be called; but if he died, he desired it might all die with him.

The Deputy Governor, with the consent of Mr. Dudingston, then proceeded to examine a number of his men, and, on the 11th, transmitted copies of the most material of the examinations to me; upon the receipt whereof, I immediately convened such of His Majesty's Council and the house of deputies as could be seasonably notified, and laid before them the proceedings of the Deputy Governor, which they highly approved of, and unanimously recommended my issuing a proclamation, with a reward of £100, sterling, for the discovery of any of the persons concerned in this violent insult upon government, which I cheerfully complied with, and sent them into the several towns within this colony.

This transaction gives me the utmost uneasiness; and Your Lordship may be assured, that the utmost vigilance of the civil authority will not be wanting, to bring the perpetrators to exemplary and condign punishment: and in justice to the inhabitants of the colony, I must not omit mentioning, that the conduct of those who committed this outrage, is, by them, universally condemned.

I wish, My Lord, those officers who have lately been sent into this colony, under a pretence of assisting trade, had conducted with that temper, prudence and discretion which persons entrusted with the execution of the laws ought, upon every occasion, to manifest.

In my last, I informed Your Lordship, that the inhabitants had been insulted without any just cause; and I am extremely sorry that I have still reason to say, that the trade of this colony is interrupted in a most unprecedented and oppressive manner, without contributing, in the least, to the service of the revenue. Inward bound vessels have been detained several days, without the least colorable pretext, and then delivered up.

One from South Kingstown, for having on board a small quantity of tobacco, of the growth of this colony, which the owner was transporting to Newport, for a market; another, for having only three or four dozen wine laid in by the captain, for sea stores. The small freight boats, plying between the several towns, with the produce of the colony, are, by the severity of these officers, subjected to great inconvenience, which very sensibly affects the whole colony; and particularly, the town of Newport, its metropolis, whose inhabitants are principally supplied with the necessaries of life by water; and the obstructions they now experience, have contributed not a little to enhance the price of fuel and provisions, to the great disadvantage of the town; and in my humble opinion, if such measures are permitted to be pursued, the colony will ere long be involved in the deepest calamity.

These, My Lord, are serious and important truths; and as Your Lordship, from your thorough knowledge of the colony, must be perfectly acquainted with the nature and extent of our trade, the profits of which, ultimately centering in Great Britain, for the purchase of her manufactures, I have no room to doubt of Your Lordship's interposition in behalf of this colony, that all cause of complaint against any of the King's officers stationed here, may be removed, and the inhabitants treated with that respect which is due to the subjects of His Britannic Majesty.

As a proof, My Lord, that the trade of this colony stands upon as fair and legal a footing as the trade of any part of His Majesty's dominions, out of two hundred sail of vessels which have entered this port since the 1st day of March last, only two in that number have been prosecuted and condemned for breach of acts of trade, one of which, belongs to the Massachusetts Bay, notwithstanding they have been searched and rummaged with the greatest severity. These two vessels, although seized and condemned here, were sent by Capt. Linzee, of the *Beaver*, and Lieut. Dudingston, to Boston, for sale, in direct opposition to the orders of the court of vice admiralty, within this colony; and the marshal of the said court prevented by force from libelling one of these vessels for payment of the mariners' wages.

These, My Lord, are but a few of the many grievances which the people of this colony have been for months past harassed and perplexed with: but as the General Assembly will soon be convened, I make no doubt they will order a more particular remonstrance to be made.

In the mean time, permit me, My Lord, to implore your attention to the com-

plaints of a much abused and injured people, whose loyalty and affection to their sovereign, claims Your Lordship's countenance and patronage.*

I am, &c., &c.,

J. WANTON.

To the Right Honorable the Earl of Hillsborough.

“There is little room to doubt,” as Judge Staples observes, “but that Governor Wanton and the officers of the colony would have been satisfied that the authors of the mischief should remain undiscovered; although their duty as officers, and their interests, required them to exhibit a great zeal and loyalty on the occasion.

On the other hand, Admiral Montagu and his brother officers in the navy and revenue, were sincere in their exertions to bring the perpetrators to condign punishment.” This appears from the following letter, relative to the deposition of the negro Aaron, which is often referred to in the proceedings which follow.

* The following extract of a letter, relating to the Gaspee affair, is found with the correspondence of Admiral Montagu, in the state paper office. It does not appear to whom it was written.

“*Charles Dudley, Esq., to* ——— ———

Rhode Island, 23d July, 1772.

* * * The attack upon the Gaspee was not the effect of sudden passion and resentment, but of cool deliberation and fore-thought. * It had long been determined she should be destroyed.

The paragraph in the enclosed newspaper, under the Newport head, was the prelude to the diabolical scene. * *

The next public step, was a memorial or petition from the merchants in Providence; first laid before the superior court of judicature, then sitting in the town, and afterwards before the Governor, praying that the commander of an armed vessel, then cruising in the bay, should be called upon by the civil authority, to know by what powers he was authorised to search ships and other vessels on the high seas; though it was notorious that the armed vessel in question, sailed under British colors, and belonged to His Britannic Majesty.

The piece from the paper, Newport, February 24, speaks of an armed schooner, that had seized ten or twelve hogsheads of rum the first part of last week; also, last Thursday, three hogsheads of molasses, belonging to a poor man. Some say, this piratical schooner belongs to King George the Third; but we should think it a little below His Br-t-n-c Majesty, to keep men-of-war employed in robbing some of his poorest subjects.”

Admiral Montagu to the Governor of Rhode Island.

Boston, 8th July, 1772.

Sir:—By express, last night, from Capt. Linzee, of His Majesty's sloop *Beaver*, I received the enclosed account; and, although it comes from a negro man, it carries with it the appearance of truth, as it agrees in many circumstances with Lieutenant Dudingston's letter (to me), and also with the deposition of the midshipman of the *Gaspee*; added to this, a man belonging to the *Gaspee*, swears to this negro's being in the boat that put him ashore, and challenged him as soon as he saw him come on board the *Beaver*.

These corroborating circumstances, put it out of all doubt with me, that he was actually concerned in taking and burning the King's schooner. And as he has impeached several others that were concerned in that piratical act, I am to beg Your Excellency will get the people mentioned in the enclosed account, apprehended, that they may be examined before you, in the presence of Lieutenant Dudingston, who, I dare say, will remember the person of the surgeon that dressed his wounds; and may possibly recollect the persons of Potter and Brown, who appear to me, to have been the ring-leaders in destroying His Majesty's schooner.

As this affair was transacted in Your Excellency's government, I must totally rely on you, to have these people secured, and (if there is sufficient proof against them) brought to justice. I doubt not but that you will exert yourself as much as is in your power; and I flatter myself, that, with your assistance, the King will have justice done him, and the offenders brought to punishment; which I hope will in future prevent the King's officers from being, upon all occasions, insulted, and check the lawless and piratical behaviour of the people of Rhode Island.

I am, sir, &c., &c.,

J. MONTAGU.

To His Excellency Governor Wanton.

P. S. I should be glad if Your Excellency would inform me, whether this act was committed on the high seas, or in the body of the county; if on the former, I doubt not but, as one of the commissioners, you will use every proper method to get them apprehended, that they may be tried.

If you should think it proper to take the negro's deposition on oath, I should be glad if you would suffer a proper person to go on board the *Swan*, to take it; and that you will favor me with a copy of it.

Statement of the Negro Aaron.

Aaron, a negro man, has declared that he rowed from Providence, the evening His Majesty's schooner *Gaspee* was burnt, towards Warren, where he met a man, called Potter, of Bristol, in a rowing boat, with eight men, armed with pistols, guns and clubs; the said Potter desired him to go with him.

In consequence of Potter's desire, I rowed by his boat, until I came within a quarter of a mile of the King's schooner, that was on shore on a spit of land. I then got into Potter's boat, by his desire; he told me, with others, that he was to join other boats, that were coming down from Providence, in order to burn the King's

schooner, that lay on shore. In about half an hour after, we joined seventeen boats from Providence, commanded, as they informed me, by John Brown.

Immediately after the boats joined company, we rowed towards the schooner; before we came close to the schooner, they hailed the boats, and forbade them coming on board; but notwithstanding the officer of the schooner forbidding the boats to come on board, we had orders to row up to the schooner; which we did immediately, and boarded her.

I saw Brown fire a musket when in the boat, under the bows: the captain of the schooner immediately fell from the place he was standing on; the surgeon, that was ordered to dress the captain, was a tall, thin man, called Weeks, of Warwick; very soon after we got on board the schooner, the mens' hands, belonging to the schooner, were tied behind their backs, and put in boats and put on shore.

I rowed the bow oar in the boat that the captain came on shore in: I think there were five people belonging to the schooner, in the boat. The captain lay abaft all the oars; Potter, of Bristol, was in the boat, and John Brown, of Providence; Brown steered the boat on shore; I had on a red and white spotted handkerchief, tied on my head, and two frocks on my body.

A list of five men's names, that were concerned in destroying His Majesty's schooner Gaspee:

John Brown and Joseph Brown, principal men of the town of Providence; Simeon Potter, of Bristol; Doctor Weeks, of Warwick; ——— Richmond, of Providence.

N. B. One of the Gaspee's men declared, as soon as he saw the negro, that he was the man that rowed the bow oar in the boat he went on shore in: and that he assisted the negro to row the oar.

Admiral Montagu, at the same time, communicated the particulars which he had obtained from Aaron, to the Earl of Hillsborough. He also takes the occasion to add remarks relative to the character of the leading men supposed to have been implicated in the burning of the Gaspee, which are not at all flattering. Here follows his letter.

Admiral Montagu to the Earl of Hillsborough.

Boston, 11th July, 1772.

My Lord:—Since I had the honor of writing to Your Lordship last, I have received an express from Capt. Linzee, of His Majesty's sloop Beaver, at Rhode Island, informing me he had discovered and detained an indented black servant, who was in one of the boats that boarded the Gaspee schooner; that one of the men now on board the Beaver (late of the Gaspee), remembered the man the moment he saw him.

Enclosed, I transmit to Your Lordship the said black man's deposition (on being examined), by which Your Lordship will be able to judge of the people concerned, and of the measures necessary to be taken.

I beg leave to observe to Your Lordship, that I have inquired of many of the principal people of this place, who all knew Potter, of Bristol, mentioned in the en-

closed deposition, and in general agree that he is a man of fortune, but of the most infamous character possible to describe; and has been guilty of almost every vice a pirate can be guilty of. The Browns, of Providence, are principal people of that place.

It appears to me, My Lord, that these people were the ringleaders in this piratical proceeding. I have therefore, written to Governor Wauton, of Rhode Island, and begged his utmost exertions may be used for the apprehension and bringing to justice the people mentioned in the said deposition, as principals in this proceeding; but the disposition of the people of that government in general, is such, that I cannot flatter myself with much success, unless some other method is taken for apprehending them.

I have the honor to be, &c., &c..

J. MONTAGU.

To the Right Honorable the Earl of Hillsborough.

It does not appear that Governor Wanton adopted the course recommended by Admiral Montagu, to arrest the parties charged by the negro Aaron, with being concerned in the burning of the Gaspee. Whether he knew they were concerned in the affair, which is probable, and desired to screen them, or whether he disbelieved the statement of Aaron, and determined to make it so appear, the reader must judge. But it seems he lost no time in obtaining the following affidavits.

Affidavits going to disprove Aaron's Statement.

Samuel Thurston, of the island of Prudence, in the township of Portsmouth, in the county of Newport, of lawful age, declareth and saith:

That Aaron, a mulatto lad, of about sixteen years of age, now on board His Majesty's ship, the Swan, commanded by Capt. Ayseough, is an indented servant to Samuel Tompkins, of Prudence, aforesaid, son-in-law to the said Samuel Thurston; which Samuel Tompkins hath lived in the same house with the declarant for many years past, and have jointly managed a farm together; that he is fully persuaded the said Aaron hath not been off from the said island for more than twelve months preceding the 2d day of July instant; on the night of which, the said Aaron stole their boat, and went on board His Majesty's ship, the Beaver; that particularly on the night after the 9th of June last, being the same night that His Majesty's schooner the Gaspee, was burnt, he is well assured that the said Aaron remained in his house the whole of the night, he having seen him on the evening and early in the morning of the 10th, at his work.

That, at that time, there was but one boat at that end of said island, which was then so much out of repair, that the said declarant thinks she could not swim, and then lay bottom upwards in order to be refitted, being the same boat the said Aaron stole after she was repaired.

That he, the declarant, thinks it absolutely impossible, that the said Aaron should have been, that night, any where near the place where the said schooner was burnt; and that the said Aaron remained at home from the said 9th of June

until the 2d day of July; and never, during that time, gave him the least information, suggestion or hint of his having any knowledge of the business of the said schooner.

SAML THURSTON.

Colony of Rhode Island, &c., }
Newport, July 10, 1772. }

Personally appeared Samuel Thurston, (one of the people called Quakers,) and on his solemn affirmation, declared that the above written declaration is true, before—

J. WANTON,

Governor.

Samuel Tompkins, of the island of Prudence, in the township of Portsmouth, in the county of Newport, on oath declareth and saith :

That Aaron, a mulatto lad of about sixteen years of age, now on board His Majesty's ship, the Swan, commanded by Capt. Ayscough, is an indented servant to the deponent; that he is fully persuaded the said Aaron hath not been off from the said island more than once or twice for twelve months preceding the 2d of July last, in the night of which, the said Aaron stole a boat belonging to the deponent and his father-in-law, Mr. Samuel Thurston, and went on board His Majesty's ship, the Beaver.

That particularly, on the night after the 9th of June last, being the same night that His Majesty's schooner, the Gaspee was burnt, he is well assured that the said Aaron remained in his house the whole of the night; he having seen him about nine o'clock, that evening, with the rest of the servants, in the family, about which time they retired to bed; and, also, very early in the morning of the 10th, the said Aaron, according to his usual custom, brought the cows into the yard, to be milked.

That, at the time, there was but one boat at that end of the island, which was then so much out of repair, that the deponent is confident she could not swim, and then lay bottom upwards, in order to be re-fitted, being the same boat the said Aaron stole after she was repaired.

That he, the said deponent, thinks it absolutely impossible that the said Aaron should have been that night any where near the place where the schooner Gaspee was burnt; and that he, the said Aaron, remained at home from the said 9th of June, until the said 2d day of July; and never, during that time, gave him the least information, suggestion or hint of his having any the least knowledge of the destruction of the said schooner.

SAML TOMPKINS.

Colony of Rhode Island, &c., }
Newport, July 11, 1772. }

Mr. Samuel Tompkins personally appeared, and made solemn oath to the truth of the above deposition by him subscribed, before—

J. WANTON,

Governor.

Somerset, a mulatto, and Jack, a negro, indented servants, living with Samuel Thurston and Samuel Tompkins, on the island of Prudence, in the township of Portsmouth, in the county of Newport, of lawful age, on oath severally depose and say :

That to their certain knowledge, Aaron, a mulatto lad, who is also an indented

servant to the said Samuel Tompkins, and now, as they are informed, on board of a man-of-war, has not been off from said island for many months preceeding the 2d day of July instant; in the night of which, the said Aaron stole a boat belonging to the said Samuel Thurston and Samuel Tompkins, and went on board a man-of-war.

That the said Aaron has slept with the deponents in the same bed for several years; and particularly on the night the schooner called the Gaspee, was burnt, the said Aaron was at home, at the dwelling-house of the said Thurston and Tompkins, and that he, the said Aaron, lay in the same room and bed with the deponents the whole of that night; having retired to bed together, between nine and ten o'clock, in the evening.

And the deponents severally say, that they have never had the least hint or information, from the said Aaron, of his having any knowledge of the burning of the said schooner Gaspee; and that they are well assured that he knows nothing of the transaction. And the deponents further say not.

The mark of  SOMERSET.

The mark of  JACK.

Colony of Rhode Island, &c., }
Newport, July 11, 1772. }

In their proper persons came and appeared the above named Somerset and Jack; and after being cautioned to tell the truth, and nothing but the truth, made solemn oath to the above deposition, to which they have made their respective marks.

Before—

J. WANTON,

Governor.

About the same time, Capt. Linzee, of the Beaver, then lying in Newport, caused the following deposition to be taken:

Deposition of Patrick Earle.

The deposition of Patrick Earle, of lawful age, lately belonging to His Majesty's armed schooner, Gaspee, commanded by Lieutenant Dudingston, but now to His Majesty's ship, the Beaver, commanded by John Linzee, Esq. This deponent saith:

That after a number of boats boarded the said schooner, as she lay aground, and the peoples' hands were tied, he, with several others, was put into the same boat that the captain was carried ashore in; and that he helped a negro man, called Aaron Briggs, to row the bow oar, which negro is now on board His Majesty's ship Beaver, who hath sworn that he did row ashore with the bow oar; and further saith not.

The mark of  PATRICK EARLE.

Sworn in Newport, 16th July, 1772. Before me—

CHARLES BARDIN,
Justice of the Peace.

The statement of the mulatto boy Aaron, taken on board the Beaver, seemed hardly sufficient to warrant the arrest of the respectable parties, which he had endeavored to implicate in the transaction, in question.

Governor Wanton, therefore, very properly desiring that he should be examined by the civil authority, conformably to law, addressed the following note to the captain of the Beaver.

The Governor of Rhode Island to Captain Linzee, of His Majesty's ship Beaver.

Newport, July 16th, 1772.

Sir:—Having received information from the Honorable Admiral Montagu, that Aaron, a mulatto lad, on board His Majesty's ship, the Beaver, under your command, has confessed that he was concerned in destroying His Majesty's schooner, the Gaspee, as she lay aground on Namquit Point, in the county of Kent, within this colony; and as it is highly necessary that this lad should be examined by the civil authority, concerning what he knows of that affair, I have directed the sheriff to wait upon you, and request that you would deliver Aaron into his custody, in order to be brought on shore, that such proceedings may be had and done in this matter, as are agreeably to law.

The King's attorney general will attend the examination; and I should be glad if you, or any of your officers, would likewise attend.

If you are of opinion that it is most for His Majesty's service to return Aaron on board your ship after he has been examined, instead of committing him to jail, you may be assured it shall be done.

Mr. Brenton also waits on you, whose opinion on matters of law, may be of service to you in this important affair.

I am, sir, &c., &c.,

J. WANTON.

To John Linzee, Esq., commanding His Majesty's ship, the Beaver.

Warrant to the Sheriff of the County of Newport, for the Arrest of the Negro Aaron.

Colony of Rhode Island.

{ L. S. }

GEORGE THE THIRD, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, &c. To the sheriff of the county of Newport, or his lawful deputy, greeting:

Whereas, I have received information, that Aaron, a mulatto lad, otherwise called Aaron Bowler, alias Briggs, now on board His Majesty's ship, the Beaver, under the command of Captain John Linzee, in the harbor of Newport, aforesaid, with divers other malefactors, to me as yet unknown, did, in the night of the 9th of June last, unlawfully and riotously assemble and gather together to disturb the

peace of our said lord the King; and being so assembled and gathered together, with force and arms, an attack did make upon His Majesty's schooner, the Gaspee, under the command of Lieutenant William Dudingston, as she lay aground on a point of land, called Namquit, within the township of Warwick, in the county of Kent, in the colony aforesaid; and him, the said William Dudingston, then and there, being in the peace of our said lord the King, did dangerously wound, and the said schooner then and there did wickedly, wilfully and feloniously burn and destroy, against the peace of our said lord the King, his crown and dignity.

Therefore, in the name of our sovereign lord the King, I command and charge you, that immediately upon the receipt hereof, you repair on board His Majesty's ship Beaver, aforesaid, and make diligent search for the said Aaron; and if he be by you found, to bring him before me, or some other lawful authority within this colony, to be examined concerning the premises, that such other proceedings may be had and done, as to law and justice doth appertain.

Hereof fail you not, as you will answer the contrary at your peril; and make true return of this warrant with your doings thereon.

Given under my hand and seal, this 16th day of July, in the twelfth year of His Majesty's reign. Anno Domini 1772.

METCALFE BOWLER,
Just. of Assize.

Newport, July 17, 1772.

By virtue of the within warrant, I waited upon John Linzee, Esq., within mentioned, who refused to deliver up the within named Aaron, in presence of James Brenton, Esq.

ROBERT LILLIBRIDGE, JR.,
D. Sheriff.

This request of Governor Wanton, was treated by Capt. Linzee with great contempt, and utterly disregarded by him, as will appear by the Governor's letter to Admiral Montagu.

It appears, from the following letter from Lieutenant Dudingston, to Admiral Montagu, that his fears for his personal safety, were not wholly removed.

Lieutenant Dudingston to Admiral Montagu.

Brenton's Point, near }
Newport, July 1772. }

Sir:—This day I received yours of the 8th inst., and am hardly able to give answer, from the painful situation I am in; nor is it possible, at present, for me to be of the least use in respect to the negro.

I have no doubt of his being in the boat with me, and it is what I expected, that the Governor would say he was an impostor; and I cannot help telling you, that, without I was able to retire to a ship, I should not exist one night on shore, if I was capable to make oath to any one of the people mentioned.

I beg this may be private, till I can be moved; as the copy of the former letter, being made public to the people by the Governor, puts me in great danger.

I am, sir, &c., &c.

W. DUDINGSTON.

To Admiral Montagu.

Governor Wanton next communicated to Admiral Montagu, the proceedings he had taken in relation to Aaron; expresses his firm conviction that he was not present at the burning of the Gaspee; and that, from his notoriously bad character, his word should not be believed. He also makes known to the Admiral his application to Capt. Linzee, for Aaron, and the contempt with which he treated his request, which request, it seems, was in accordance with the advice of one of the judges of the supreme court.

The Governor of Rhode Island to Admiral Montagu.

Newport, July 22. 1772.

Sir:—Your favor of the 8th inst., I have received, together with the information given by one Aaron, a mulatto servant, relative to the destruction of the Gaspee; on receiving of which, I pursued every measure in my power to investigate and find out the truth of the various assertions comprised in his declaration.

For which end, I caused to be examined on oath, some of the family with whom this declarant lived as a servant; persons of credit and established character, who were separately examined, and whose testimony perfectly agreed in every circumstance, on such examination: by which, and from the general bad character of the declarant, I was fully convinced that no regard could be had to this information; that the declarant could not be present at the time when this offence was committed; as it is fully proved that he was at home, on an island, near seven miles from the place where the disaster happened.

However, being very solicitous that every inquiry should be made, that might reflect light on this unhappy affair, I had a conference with one of the judges of the superior court, before whom this matter must finally come to be adjudged, who gave it as his opinion, that it was absolutely necessary that this declarant should be delivered up to the civil authority, to be properly examined. He therefore issued his warrant to take Aaron into his custody.

At the same time, I wrote Capt. Linzee a letter, requesting him to deliver him to the sheriff, in order to his being examined; both which, were treated by Capt. Linzee with great contempt, and by him utterly disregarded.

What could be his motives or reasons for such his conduct, I am not able to account for. It certainly is a great contempt of the civil authority of this colony, who have the only power and jurisdiction to try all and every offence committed within the same, to refuse delivering up an offender, who, by his own confession, hath ac-

knowledged his guilt, and what is sufficient for his conviction, supposing what he hath declared, to be true; and, if otherwise, he ought to be proceeded against agreeably to law, and punished according to his offence.

I have transmitted to you the several depositions, by which, I apprehend you will agree with me in opinion, that no dependence can be had on the declaration given by the informant, but must wholly be disregarded. Villainy of this kind, is not new. We have a recent instance of this sort, at home. Britain and others, conspiring in the most horrid manner, to charge the officers of state with a crime that the whole world knew they could not possibly be guilty of.

The schooner, when she was destroyed, lay aground, in a narrow river, near thirty miles from the main sea; and as all ports and havens are *infra corpus comitatus*, I am of opinion, that, in this case, the admiral hath no jurisdiction. His Honor the Chief Justice, has favored me with his opinion on this matter, which herewith I enclose.

When Aaron is delivered into the hands of the civil authority, whatever is legal and necessary, will undoubtedly be done. I have advised with the King's attorney, whose opinion and advice coincides with what I have written on the subject of Aaron's declaration.

I am Your Honor's

Most obedient humble servant,

J. WANTON.

To the Honorable Admiral Montagu.

Admiral Montagu in reply to the Governor of Rhode Island.

Boston, 1st September, 1772.

Sir:—I received your letter, dated 22d July, with three depositions enclosed. I deferred answering it, till I had seen and examined Aaron, the black indented servant, who says he was in one of the boats that boarded and burnt the Gaspee; and it is clear to me, from many corroborating circumstances, that he is no impostor.

Sorry I am, that no regard can be had to his information in your opinion. In my opinion, the depositions Your Excellency sent me, prove nothing that confutes any thing he has said.

However, it is not in my power to do more than I have, to bring the offenders to justice; the whole must rest with you, who are upon the spot. I find the master of Aaron, the black, has arrested Capt. Linzee, for the detention of his servant; therefore, as Capt. Linzee has done nothing but by my orders, I have bailed him, and will keep the fellow. I did intend sending him to you, had not his master taken this step.

I shall not trouble Your Excellency any more on the subject of the Gaspee, but leave the result of the whole conduct of His Majesty's good subjects at Rhode Island to him and his ministers; and am, sir,

Your most obedient humble servant,

J. MONTAGU.

To Governor Wanton.

Here ended the proceedings of the colony, and the correspondence with the English admiral, in relation to this subject, previous to the action upon it by the British government.

From various references, it appears that under date of the 4th of September, 1772, Lord Dartmouth addressed a letter to Governor Wanton, transmitting the royal proclamation, commission, instructions, etc. ; which letter, unfortunately, is not found in the files of the secretary's office ; nor does it appear in the compilation of Judge Staples.*

In writing to the Earl of Dartmouth, on the 20th February, 1773, Judge Horsmanden, one of the royal commissioners, says on his arrival in Rhode Island, on the 31st December, 1772, in pursuance of His Lordship's instructions, "he was surprised to find that the main object of our errand, was become public, which, in prudence, was to be kept secret ; nevertheless, Your Lordship's letter to Governor Wanton, was published in the Boston weekly paper, and spread industriously over all New England. However amazing to us, upon inquiry it came out, that the Governor had communicated it to his Assembly, who had got it printed. Upon expostulating with the Governor upon it, he said, he was, by law, obliged to communicate all dispatches from the ministry to his corporation, and sworn so to do," etc.†

* Governor Wanton, in his letter to the Earl of Dartmouth, dated December 24, 1772, mentions this letter.

† In a subsequent letter to Governor Wanton, which will be found in the order of its date, the Earl of Dartmouth complains of the publication of his letter of the 4th of September, in the common newspaper, parts of which, were "secret and confidential, and addressed personally" to himself. His Lordship fears, too, that this act "cannot be considered as entirely corresponding with the assurances given, of paying the strictest attention and deference to such orders" as he may transmit to the Governor.

The following letters from Governor Hutchinson, of Massachusetts, to a gentleman in London, are from "The Remembrancer," for the year 1776, Vol. II., p. 39 :

Governor Hutchinson to Secretary Pownall.

"Boston, 26th August, 1772.

Dear Sir:—I troubled you with a long letter the 21st July. Give me leave now only to add one or two things, which I then intended, but to avoid being too tedious, omitted.

People in this province, both friends and enemies to government, are in great expectations from the late affair at Rhode Island, of the burning the King's schooner ; and they consider the manner in which the news of it will be received in England, and the measures to be taken, as decisive. If it is passed over without a full inquiry and due resentment, our liberty people will think they may with impunity commit any acts of violence, be they ever so atrocious, and the friends to government will despond and give up all hopes of being able to withstand the faction.

In the "*Massachusetts Spy, or Thomas's Weekly Journal*," published at Boston, on the 31st December, 1772, is the following, which is doubtless the chief portion of the missing letter referred to.

Extract of a Letter from Lord Dartmouth to the Governor of Rhode Island.

"The following may be depended upon, as a genuine extract of the letter from Lord Dartmouth, to the Governor of Rhode Island, dated Whitehall, September 4, 1772:

"The particulars of that atrocious proceeding (referring to the burning the Gaspee schooner), have, by the King's command, been examined and considered with the greatest attention; and although there are some circumstances attending it, in regard to the robbery and plunder of the vessel, which, separately considered, might bring it within the description of an act of piracy, yet, in the obvious view of the whole transaction, and taking all the circumstances together, the offence is, in the opinion of the law servants of the crown, who have been consulted upon that question, of a much deeper dye, and is considered in no other light, than as an act of high treason, viz.: levying war against the King.

And, in order that you may have all proper advice and assistance, in a matter of so great importance, His Majesty has thought fit, with the advice of his Privy Council, to issue his royal commission, under the great seal of Great Britain, nominating yourself and the chief justices of New York, New Jersey, and the Massachusetts Bay, together with the judge of the vice admiralty court established at Boston, to be His Majesty's commissioners for inquiring into, and making report to His Majesty, of all the circumstances relative to the attacking, plundering and burning the Gaspee schooner.

The persons who were the immediate actors, are men of estate, and property, in the colony. A prosecution is impossible. If ever the government of that colony is to be reformed, this seems to be the time; and it would have a happy effect in the colonies which adjoin to it. Several persons have been advised by letters from their friends, that as the ministry are united, and opposition at an end, there will certainly be an inquiry into the state of America, the next session of Parliament. The denial of the supremacy of Parliament, and the contempt with which its authority has been treated by the Lilliputian Assemblies of America, can never be justified or excused by any one member of either House of Parliament."

Governor Hutchinson to Samuel Hood, Esq.

"Boston, 2d September, 1772.

Dear Sir:—Capt. Linzee can inform you of the state of Rhode Island colony better than I can do; so daring an insult, as burning the King's schooner, by people who are as well known as any who were concerned in this last rebellion, and yet cannot be prosecuted, will certainly rouse the British lion, which has been asleep these four or five years.

Admiral Montagu says that Lord Sandwich will never leave pursuing the colony, until it is disfranchised. If it is passed over, the other colonies will follow the example."

The King trusts that all persons in the colony, will pay a due respect to his royal commission, and that the business of it will be carried on without molestation; at the same time, the nature of this offence, and the great number of persons who appear to have been concerned in it, makes every precaution necessary. His Majesty, has, therefore, for their further support in the execution of this duty, thought fit to direct me to signify his pleasure to Lieutenant General Gage, that he do hold himself in readiness to send troops into Rhode Island, whenever he shall be called upon by the commissioners for that purpose, in order to aid and assist the civil magistrate in the suppression of any riot or disturbance, and in the preservation of the public peace. I have only to add, upon that head, that His Majesty depends on the vigilance of the civil magistrates of the colony, to take the proper measures for the arresting and committing to custody, in order to their being brought to justice, such persons, as shall, upon proper information made before them, or before His Majesty's commissioners, appear to have been concerned in the plundering and destroying the Gaspee schooner.

It is His Majesty's intention, in consequence of the advice of his Privy Council, that the persons concerned in the burning the Gaspee schooner, and in the other violences which attended that daring insult, *should be brought to England, to be tried*; and I am, therefore, to signify to you His Majesty's pleasure, that such of the said offenders as may have been, or shall be, arrested and committed within the colony of Rhode Island, be delivered to the care and custody of Rear Admiral Montagu, or the commander in chief of His Majesty's ships in North America, for the time being, or to such officers as he shall appoint to receive them; taking care that you do give notice to the persons accused, in order that they may procure such witnesses on their behalf, as they shall judge necessary; which witnesses, together with all such as may be proper, to support the charge against them, will be received and sent hither with the prisoners.' "

At the August session of the General Assembly, the subject of the destruction of the Gaspee, was introduced by the following communication from the Governor:

Governor Wanton to the House of Deputies of Rhode Island.

To the House of Deputies:

Gentlemen —The measures which have been pursued for discovering the persons who were concerned in destroying the King's armed schooner, the Gaspee, as she lay aground on a point of land, called Namquit, in this colony, will appear from the several papers which I have delivered to Mr. Speaker, in order to be laid before you, for your information.

I have, in consequence of that unhappy transaction, addressed the Right Honorable the Earl of Hillsborough; a copy of which, and also what I wrote to the agent, upon the same occasion, I have delivered to Mr. Speaker.

I thought it my duty, during the recess of the Assembly, to acquaint the secretary of state with this affair, lest, by an entire silence, or from misinformation, any impressions might be made prejudicial to the colony.

I hope my proceedings will meet your approbation; and submit to your determination what is further necessary to be done, recommending the same to your serious and immediate consideration.

I have the honor to be, &c., &c.,

Council Chamber,)

J. WANTON.

Newport, August 18th, 1772.)

At the same session, Deputy Governor Sessions presented an account for expenses incurred by him in collecting evidence relating to the destruction of the Gaspee; for subsisting her crew, while at Pawtuxet, and in sending them on board His Majesty's ship, the Beaver, which lay in the bay below.

Mr. Samuel Aborn, of Pawtuxet, also presented a bill for securing the stores, anchors, guns and other effects belonging to the burnt vessel; all of which bills, were ordered to be paid.

The following additional proceedings are from the records of the session:

Proceedings of the General Assembly of Rhode Island, relative to the Gaspee.

Whereas, His Honor the Governor, hath laid before this Assembly, a full and particular narrative of the measures he hath pursued, in consequence of the burning of His Majesty's schooner, the Gaspee; and of the steps he hath taken to discover the perpetrators of that atrocious piece of villainy; upon due consideration whereof,—

It is voted and resolved, that the whole of His Honor's proceedings be approved; and that His Honor be, and he is hereby, requested to transmit a copy thereof, to the agent of the colony, in Great Britain;* and to pursue such further measures respecting the said affair, during the recess of the General Assembly, as shall appear necessary.

And whereas, His Honor issued a proclamation, promising a reward of £100, sterling, to any person or persons who shall discover the persons guilty of the said crime;—

* The letter to the agent, in London, is not preserved on the files in the secretary's office. It did not probably vary from the letter to the Earl of Hillsborough, before given.

It is therefore further voted and resolved, that this Assembly will make provision for paying the above mentioned reward, in case any person or persons shall be entitled thereto.

And it is further voted and resolved, that no copies of letters, or other proceedings, relating to the above mentioned affair, be delivered out by the secretary, to any person or persons, whomsoever.

It is voted and resolved, that the letter from His Honor the Governor, to the Right Honorable the Earl of Hillsborough, of the 20th of May last, containing a narrative of the proceedings respecting His Honor's calling Lieut. Dudingston before him, &c., be, and the same is hereby, approved.

Whereas, Joseph Rhodes of Cranston, cooper, hath in his hands the sum of \$79, belonging to Lieut. Dudingston, which he refuseth to deliver, —

It is therefore voted and resolved, that His Honor the Deputy Governor and the Hon. Stephen Hopkins, Esq., be, and they are hereby, requested and empowered to make inquiry into that affair, and to settle all differences between the parties; and that, if the said Rhodes will not comply therewith, they advise the said Dudingston to take the proper method for obtaining his right.

*Proclamation of King George III., relative to the Destruction of
the Gaspee.*



GEORGE R.

BY THE KING.

A P R O C L A M A T I O N :

For the discovering and apprehending the persons who plundered and burnt the Gaspee schooner, and barbarously wounded and ill-treated Lieutenant William Dudingston, commander of the said schooner.

Whereas, we have received information, that, upon the 10th day of June last, between the hours of twelve and one, in the morning, in the Providence or Narragansett River, in our colony of Rhode Island and Providence Plantations, a great number of persons, armed with guns and other offensive weapons, and led by two persons, who were called the captain and head sheriff, in several armed boats, attacked and boarded our vessel called the Gaspee schooner, then lying at single anchor in the said river, commanded by our Lieutenant William Dudingston, under the orders of our Rear Admiral John Montagu; and having dangerously wounded and barbarously treated the said William Dudingston, took, plundered and burnt the said schooner.

We, to the intent that said outrageous and heinous offenders may be discovered, and brought to condign punishment, have thought fit, with the advice of our Privy Council, to issue this our royal proclamation.

And we are hereby graciously pleased to promise, that if any person or persons shall discover any person or persons concerned in the said daring and heinous offences above mentioned, so that he or they may be apprehended and brought to justice, such discoverer shall have and receive, as a reward, for such discovery, upon conviction of each of the said offenders, the sum of *five hundred pounds*.

And if any person or persons shall discover either of the said persons who acted as, or called themselves, or were called by their said accomplices, the head sheriff, or the captain, so that they, or either of them, may be apprehended and brought to punishment, such discoverer shall have and receive, as a reward for such discovery, upon conviction of either of the said persons, the further sum of *five hundred pounds*, over and above the sum of *five hundred pounds*, herein before promised, for the discovery and apprehending any of the other common offenders above mentioned.

And if any person or persons concerned therein, except the two persons who were called the head sheriff and captain, and the person or persons who wounded

said Lieutenant William Dudingston, shall discover any one or more of the said accomplices, so that he or they may be apprehended and brought to punishment, such discoverer shall have and receive the said reward or rewards of *five hundred pounds, or one thousand pounds*, as the case may be; and also our gracious pardon for his said offence; and the commissioners for executing the office of treasurer of our exchequer, are hereby required to make payment accordingly, of the said rewards.

And we do hereby strictly charge and command all our governors, deputy governors, magistrates officers and all other our loving subjects, that they do use their utmost diligence, in their several places and capacities, to find out, discover and apprehend the said offenders, in order to their being brought to justice.

And we do hereby command that this our proclamation be printed and published, in the usual form, and affixed in the principal places of our town of Newport, and other towns in our said colony, that none may pretend ignorance.

Given at our Court, at St. James, the twenty-sixth day of August, 1772, in the twelfth year of our reign.

God save the King.

Royal Commission to the Commissioners of Inquiry, relative to the Destruction of the Gaspee.

GEORGE THE THIRD, by the grace of God, of Great Britain, France and Ireland, King, Defender of the Faith, &c., to our trusty and well beloved Joseph Wanton, Esquire, Governor of our colony, called the English colony of Rhode Island and Providence Plantations, in New England, in America; our trusty and well beloved Daniel Horsmanden, Esquire, our chief justice of our province of New York; our trusty and well beloved Frøderick Smythe, Esquire, our chief justice of our province of New Jersey; our trusty and well beloved Peter Oliver, Esquire, our chief justice of our Province of the Massachusetts Bay, in New England; and our trusty and well beloved Robert Auchmuty, Esquire, our judge of our vice admiralty court, established at Boston, with jurisdiction in all causes arising within the limits of our colonies of New Hampshire, Massachusetts Bay, Rhode Island and Connecticut, greeting:

Whereas, our armed schooner, called the Gaspee schooner, commanded by Lieutenant William Dudingston, under the orders of Rear Admiral Montagu, was stationed in Providence or Narragansett River, in, or near to our colony of Rhode Island and Providence Plantations, in New England, the said Lieutenant Dudingston, having proper commission and authority, to seize to our use, such prohibited and unaccustomed goods, as he should find carried in and on board any ship, bottom, boat or other vessels, contrary to law, whereby the same is forfeited.

And, whereas, we have been informed that very many ill-disposed persons have dared, from time to time, in defiance of our laws and authority, to insult and otherwise hinder and obstruct the said Lieutenant William Dudingston, in the perform-

ance of his duty, and their boldness in that respect grew to so desperate an height, that on or about the 10th day of June last, great multitudes of people were assembled in our town of Newport,* and places adjacent, in our said colony, by beat of drum, armed with guns and other offensive weapons, and led on by two persons, whom they called the head sheriff and the captain, and so proceeded in warlike manner, with armed boats, to attack our said schooner: and having dangerously wounded the said lieutenant, overpowered the crew, took, plundered and burnt our said vessel.

We, being desirous to be perfectly informed how so daring an attempt could be concerted, prepared and carried into execution in the chief town of our said colony, the residence of the Governor, and principal magistrates thereof, not only for the purpose of bringing the said offenders and their maintainers, aiders and abettors, to condign punishment, but also to the end, that fit and speedy order may be taken for securing the future peace, obedience, and well government of our said colony; and placing much confidence in your wisdom, diligence, loyalty and integrity, do, by these presents, appoint you, the said Joseph Wanton, Daniel Horsmanden, Frederick Smythe, Peter Oliver and Robert Auchmuty, our commissioners, to inquire into and report to us a full and true account of all the circumstances relative to the attacking, taking, plundering and burning our said schooner; and to the assembling, arming, training and leading the people concerned therein; and to the concerting and preparing the said attack, and of all other insults and obstructions which have been given to the said Lieutenant Dudingston, or to our service in general in our said colony of Rhode Island and Providence Plantations, and of the causes which have occasioned so daring a violation of our laws and authority; and also to inquire and report what measures have been taken or used by the magistrates of our said colony, and other our good subjects therein, respecting the same.

And for the better execution of our royal will and pleasure therein, we do hereby give unto you, the said Joseph Wanton, Daniel Horsmanden, Frederick Smythe, Peter Oliver, and Robert Auchmuty, or any three of you, full power and authority to receive all such informations and advertisements as shall be brought unto you, by or from any of our loving subjects or others, touching the premises; and also, to inquire, by the examination of witnesses on oath, which oath we do hereby give you or any of you, full power, warrant and authority to administer, or by such other ways and means as you, or any three of you, shall, in your discretion, think fit, into the premises, or any of them.

And we do further give you, or any three of you, full power and authority to send for such persons, papers, and records, as shall be useful to you, for the better carrying on the service hereby intended, willing and requiring you, the said Governor, the Deputy Governor, and all other our magistrates, officers, and loving subjects within the said colony, to be in all things helpful, aiding and assisting to you, and every of you, in the execution of this, our royal commission.

And we do further strictly charge and command you, and every of you, that, in the execution and performance of the powers and authorities to you hereby given,

* This is a mistake. It was not in Newport, but in Providence, where the party was organized.

you, and every of you, do carefully observe and conform yourselves to such instructions as shall be given and sent unto you, in writing, under our sign manual, and to report to us a full and true account of your proceedings herein.

In witness whereof, we have caused these our letters to be made patent. Witness ourself, at Westminster, the second day of September, in the twelfth year of our reign.

By the King himself.

YORKE.

Royal Instructions to the Commission of Inquiry, relative to the Destruction of the Gaspee.

G E O R G E R.

{ L. S. } Instructions to our trusty and well beloved Joseph Wanton, Daniel Hoersmanden, Frederick Smythe, Peter Oliver and Robert Auchmuty, Esquires, our commissioners for inquiring into the circumstances relative to the attacking, plundering and burning our armed schooner, called the Gaspee schooner, within our colony of Rhode Island, in America, on the 10th day of June last, and into the causes thereof, and of the violences and insults offered upon that occasion, to our officers employed in our service.

Given at our court at St. James, the 4th day of September, 1772, in the twelfth year of our reign.

Article 1st. With these our instructions, you will receive our commission under our great seal of Great Britain, constituting and appointing you our said commissioners, for inquiring into and making report to us of all the circumstances relative to the attacking, plundering and burning the Gaspee schooner on the 10th of June last, in the Narragansett River, within our colony of Rhode Island; and to the assembling, arming, and leading on the persons who made the said attack, and to the concerting and preparing the same; together with all such other powers and authorities as are judged necessary for that purpose. You are therefore, to take upon you, the execution of the trust reposed in you, and so soon as three or more of you shall have been assembled at Newport, within our said colony of Rhode Island, you are to cause our said commission to be read and published in such manner and form, and with such solemnity as are due to the authority from which it proceeds, and the important occasion for which it is issued, using your own discretions as to all such other times and places of your meetings, according to what shall appear to you, or the major part of you, to be most fit and proper.

Art. 2d. You are to use your utmost care and diligence, pursuant to the authorities and directions contained in our said commission, in making a very full and particular inquiry into all the circumstances relative to the attacking, plundering

and destroying our armed schooner, the Gaspee, on the 10th of June last, in the Narragansett River, within our said colony of Rhode Island, and to the assembling, arming and leading on the persons who made the said attack, as also into the causes and occasions thereof; and into all the steps that have been taken by the civil magistrates in their respective stations, for the discovery and punishment of the perpetrators of those heinous offences. And to those ends, you are to summon before you, all such persons as you shall think may be able to give any information touching the said objects of inquiry; and likewise, to order all informations, depositions and examinations, which may have been taken and made in writing, touching those matters, or authentic copies thereof, to be laid before you, and to make a report to us, by one of our principal secretaries of state, of all your proceedings, and of what shall appear to you, respecting the conduct of the magistrates and people of Rhode Island, on that occasion.

Art. 3d. And whereas, the civil magistrates and officers within our said colony of Rhode Island, are entrusted with the power ~~and~~ authority to arrest and commit to custody such of the persons concerned in the plundering and destroying the Gaspee schooner, and in the inhuman treatment of our officer who commanded her, against whom any information shall be taken, in order to the said offenders being sent to England to be tried for that offence; it is therefore, our will and pleasure, that you do, from time to time, communicate to the said civil officers and magistrates, such information as you shall be able to collect, touching the persons concerned in that daring attack upon our authority and commission, to the end that they may be accordingly arrested and delivered to the custody of the commander in chief of our ships and vessels in North America, pursuant to such directions as we have thought fit to give for that purpose.

Art. 4th. And whereas, it is of importance with regard to the mode of proceeding against the said offenders, that they should be exactly informed of the place where the offence was committed, it will, therefore, be your duty to take care in all your proceedings upon this inquiry, as well as in your reports thereof to us, by one of our principal secretaries of state, to ascertain with the greatest precision, whether the offence was committed and done within the body of the colony; and if so, within what county or district thereof; and if not so, in what other place the said offence was committed and done.

Art. 5th. And whereas, there may be reason to apprehend, from the outrages which have been committed within our said colony of Rhode Island, by numbers of lawless persons, that insults may be offered to you, it is therefore our will and pleasure, that if any disturbance shall arise, with a view to obstruct you in the execution of your duty, and any violence should in consequence thereof, be offered to you, you do, in such case, give immediate notice thereof to the commander in chief of our forces in North America, and require of him to send such a military force into the colony, as you shall judge necessary for your protection, and for the aiding the civil magistrates in suppressing any tumults or riots, and preserving the public peace.

Lastly. It is our will and pleasure, that you do take an account, by way of journal, of all your acts and proceedings in the execution of the powers and directions given to you, and that the reports which you are to make to us, by one of our

principal secretaries of state, of those proceedings, be in writing, and signed by any three or more of you.*

G. R.

* Extract from the Providence Gazette, of Saturday, December 26, 1772 :

"To be, or not to be, that's the question ; whether our unalienable rights and privileges are any longer worth contending for, is now to be determined. Permit me, my countrymen, to beseech you to attend to your alarming situation.

The stamp act you opposed with a spirit and resolution becoming those who were truly solicitous to transmit to posterity those blessings which our forefathers purchased for us in the wilds of America, at an immense expense of blood and treasure.

But behold, an evil infinitely worse, in its consequences, than all the revenue laws which have been passed from the reign of Charles the First, to this time, now threatens this distressed, *piratically plundered* country.

A court of inquisition, more horrid than that of Spain or Portugal, is established within this colony, to inquire into the circumstances of destroying the Gaspee schooner ; and the persons who are the commissioners of this new-fangled court, are vested with most exorbitant and unconstitutional power. They are directed to summon witnesses, apprehend persons not only impeached, but even suspected ! and them, and every of them, to deliver them to Admiral Montagu, who is ordered to have a ship in readiness to carry them to England, where they are to be tried.

Three of the commissioners are a quorum, who are directed to apply to General Gage, for troops to protect them in their offices, and preserve the colony from riots and disturbances. The royal commission for these gentlemen, together with their instructions, is transmitted to Admiral Montagu, who, upon being notified that they are convened in conformity to their appointment, is to attend them, and then deliver their commission and instructions, and to be aiding with his sage counsel and advice, whenever necessary.

So much has transpired, respecting this alarming star-chamber inquisition. And who among the natives of America, can hear it without emotion ? Is there an American, in whose breast there glows the smallest spark of public virtue, but who must be fired with indignation and resentment, against a measure so replete with the ruin of our free constitution ? To be tried by one's peers, is the greatest privilege a subject can wish for ; and so excellent is our constitution, that no subject shall be tried, but by his peers.

This establishment is the grand barrier of our lives, liberties and estates ; and whoever attempts to alter or invade this fundamental principle, by which the liberties of the people have been secured from time immemorial, is a declared enemy to the welfare and happiness of the King and state. The tools of despotism and arbitrary power, have long wished that this important bulwark might be destroyed, and now have the impudence to triumph in our faces, because such of their fellow subjects in America, as are suspected of being guilty of a crime, are ordered to be transported to Great Britain for trial, in open violation of Magna Charta.

Thus are we robbed of our birth-rights, and treated with every mark of indignity, insult and contempt ; and can we possibly be so supine, as not to feel ourselves firmly disposed to treat the advocates for such horrid measures with a detestation and scorn, proportionate to their perfidy and baseness ?

Luxury and avarice, a more fatal and cruel scourge than war, will ere long ravage Britain and ultimately bring on the dissolution of that once happy kingdom. Ambition, and a thirst for arbitrary sway, have already banished integrity, probity and every other virtue, from those who are entrusted with the government of our mother country. Her colonies loudly complain of the violences and vexations they suffer by having their moneys taken from them, without their consent, by measures more unjustifiable than highway robbery ; and applied to the basest purposes,—those of supporting *tyrants and debauchees*. No private house is inaccessible to the avarice of custom-house officers ; no place so remote whither the injustice and extortion of these miscreant tools in power, have not penetrated.

Upon the whole, it is more than probable, it is an almost absolute certainty, that, according to the present appearances, the state of an American subject, instead of enjoying

These papers were transmitted to Admiral Montagu, and sent by him to Governor Wanton, by express.

Admiral Montagu to the Governor of Rhode Island. \

Boston, 11th December, 1772.

Sir:—Last night an express arrived, with dispatches from the Right Honorable My Lords Commissioners of the Admiralty, by which came under cover to me, the packet I send to you, herewith.

the privileges of an Englishman, will soon be infinitely worse than that of a subject of France, Spain, Portugal, or any other the most despotic power on earth; so that, my countrymen, it behoves you, it is your indispensable duty to stand forth in the glorious cause of freedom, the dearest of all your earthly enjoyments; and, with a truly Roman spirit of liberty, either prevent the fastening of the infernal chains now forging for you, and your posterity, or nobly perish in the attempt.

To live a life of rational beings, is to live free; to live a life of slaves, is to die by inches. Ten thousand deaths by the halter, or the axe, are infinitely preferable to a miserable life of slavery in chains, under a pack of worse than Egyptian tyrants, whose avarice nothing less than your whole substance and income, will satisfy; and who, if they can't extort that, will glory in making a sacrifice of you and your posterity, to gratify their master the devil, who is a tyrant, and the father of tyrants and of liars.

AMERICANUS.

*Extracts from the Providence Gazette, of Saturday,
December 26, 1772.*

Newport, December 21, 1772.

Extract of a letter from a gentleman in Boston, to his friend in this town:

"I here enclose you an extract of a letter from a gentleman in England, to another in Boston. In confirmation of the truth of which, the admiral received a packet by an express which arrived in this town on Thursday evening last, ordering the ships to your harbor; in consequence of which order, the ships are now getting ready as fast as possible; they were kept to work all day yesterday, and commanded to be ready to sail on Tuesday afternoon, or Wednesday morning, at furthest.

The admiral is in very high spirits on the occasion, and cheerfully undertakes an expedition which promises to gratify his rancor against your colony. It is to be hoped, from his avowed disposition towards our Rhode Island Brethren, that he will meet with a proper reception among them.

I have just received information which you may depend upon: the high commissioned court, specially appointed, with novel, unconstitutional and exorbitant powers, for the trial of the persons concerned in burning the schooner, are forthwith to repair to Rhode Island for that purpose; and are to be accompanied with His High Mightiness the Admiral.

The regiment at Castle William, a regiment from New York, and a third regiment, are immediately to march for Rhode Island; and unless you exhibit a *quantum sufficit* of passive obedience and non-resistance, the same tragedy may be acted in Newport and Providence, which makes the 5th of March so memorable at Boston."

Extract of a letter from a gentleman of character, in England, to his friend, in Boston:

"Our tyrants in the administration, are greatly exasperated with the late manœuvre of the brave Rhode Islanders; as a regard to the rights of the subject, and the principles of justice, never marked the measures of the present wretched conductors of the wheels of government, you will not be alarmed when I tell you that they have determined to vacate the

As it may be of great consequence, I have thought proper to charge Mr. Montagu, one of my lieutenants, with it.*

In my despatches from their Lordships, I am directed to repair to Rhode Island, to assist you, and the rest of the gentlemen in the commission, which I shall do as

charter of that colony. To effect this purpose, which in their own apprehension, will be attended with some difficulty, Admiral Montagu is ordered, with the small craft which are with him, to lie at the harbor of Rhode Island, with positive orders to apprehend the persons concerned in the enterprise above mentioned.

Awed by the formidable appearance of this beering commander and his gallant squadron, these bitter pills are to be crammed down their throats; but the friends of true British freedom, are not without hopes that the stomachs of that heroic colony will reject the dose prepared for them.

Be united, our dear suffering brethren; be steady, and success awaits you; freedom, glorious freedom, will be the purchase. We believe that the ancient British spirit of independence, which once blest this island, has improved by transplantation, and preserves its vigor in the breasts of Americans; cherish it, my dear friends! and by relieving yourselves, save the small remnant of the virtues in Britain."

Extract of a letter from a gentleman in Boston, to his friend, in this town, dated December 14, 1772:

"I would have you inform your townsmen, that the admiral has hoisted his flag on board one of the frigates, and will sail for Newport, in a day or two; and is determined to lay your town and Providence, in ashes; he swore by God (some time ago) that he would burn the town of Providence to ashes. Mr. P——, of this town, will attest to it; hope you will try him for treason.

It is surmised, that they are going to deprive you of your charter; hope you will give it up peaceably, like true *friends* to government, and not contend with your superiors, but be subject to the higher powers; for the powers that be, are ordained (I believe), of the devil."

* The following is from the Providence Gazette, of December 19, 1772:

"By the Cruizer sloop-of-war, Capt. Howe, arrived at New York, from England, His Honor the Governor, has received dispatches from the Earl of Dartmouth, secretary of state for the American department, relative to the Gaspee armed schooner, destroyed some time since, and the very extraordinary measures adopted by government for inquiring into the matter, and punishing the offenders.

For this purpose, we are told that commissioners are to sit at Newport, and *examine* such persons as Admiral Montagu shall direct to be apprehended. These devoted persons, it is further said, are to be transported to England, where they are to be tried for high treason. The admiral, with a number of ships and tenders, is to be at Newport; and the commissioners are directed to apply to General Gage for troops, if they shall think them necessary.

In this situation of affairs, every friend to our violated constitution, cannot but be greatly alarmed. The idea of seizing a number of persons, under the points of bayonets, and transporting them three thousand miles for trial, where, whether guilty or innocent, they must unavoidably fall victims alike to revenge or prejudice, is shocking to humanity, repugnant to every dictate of reason, liberty and justice; and in which, Americans and freemen ought never to acquiesce."

Extract from the proceedings of a town meeting held at Dorchester, in the Massachusetts Bay, January 4, 1773:

"Resolved, that at a time when open attacks upon our happy constitution are multiplied, it is incumbent upon the people to be watchful; and especially at this time, when we are alarmed with a new and unheard of grievance, in a late act passed by the British Parliament, whereby the crown is empowered, so that persons supposed to be guilty of certain

soon as you inform me that you are ready, with the commissioners, to proceed to business, and deliver the commission, and the King's instructions to you.

In the meantime, Captain Keeler, in His Majesty's ship Mercury, has my orders to assist you, and receive any prisoners or persons you may send him. Permit me to say, I should think it advisable to have the persons apprehended that I sent you an account of some months ago, which the indentured mulatto informed of, and has sworn against. The mulatto remains on board with the captain, and shall be ready to attend the commission, whenever he is called for.

As I find Capt. Keeler is often made a prisoner, from frequent arrests he meets with, as well as insults when he comes on shore, I am to desire, in case the commission should at any time want him, you will direct his person to be secured from insults or arrests.

Whenever you will favor me with your commands, you will find me ready to cooperate with you in every thing for the King's service.

I have the honor to be, sir, &c., &c.,

J. MONTAGU.

To Governor Wanton.

P. S. I must beg leave to recommend to you, as first in the commission, to appoint a time for the first meeting, and to give notice to the other gentlemen named in the commission and me; and that you will make the time as short as you can, consistent with proper notice, for particular reasons.

This led to the following correspondence before the opening of the session of the commissioners :

The Governor of Rhode Island to Admiral Montagu.

Newport, December 14, 1772.

Sir:—I am favored with yours, by Mr. Montagu, together with dispatches from the Right Honorable the Earl of Dartmouth, respecting the destruction of the Gaspee.

I shall appoint a time for meeting the commissioners authorized to inquire into

crimes, may be hurried away from any county in North America, where such crime may be supposed to have been committed, to be tried in any county in England, where His Majesty or his successors shall judge proper; which appears to us to come little short of any court of inquisition, and appears plainly to us destructive of the main pillar of the British constitution."

Extract from the proceedings of a town meeting, held at Ipswich, in the Massachusetts Bay, December 17, 1772:

"Resolved, that we have been of late greatly alarmed at the appointment of commissioners, in consequence of a late act of Parliament, entitled 'An act for the better perserving His Majesty's dockyards, magazines, ships, ammunition and stores, and to inquire after the persons concerned in burning His Majesty's schooner, the Gaspee, at Providence;' which, though a very unjustifiable act, yet we apprehend this method of proceeding, an infringement upon the liberty of the subject, and of the most dangerous consequence, as the constitution has already provided a method for the trial of those, and all other offenders."

the circumstances of that transaction, as soon as may be, and give you the earliest intelligence thereof, in conformity to His Majesty's orders. His Majesty's proclamation I shall cause to be printed without delay, and sent into the several towns within the colony.

I am, &c., &c.,

J. WANTON.

To the Honorable J. Montagu.

The Governor of Rhode Island, to Peter Oliver, Esq., Chief Justice of Massachusetts.

Newport, December 14, 1772.

Sir:—By express from Admiral Montagu, I have this moment received a letter from the Earl of Dartmouth, advising of your being one of the commissioners for inquiring into the circumstances of burning the schooner Gaspee. I have thought proper to give you this information, and that I shall fix upon a time for meeting the commissioners, and give you and the other gentlemen named in the commission, notice thereof, without delay.

I am, &c., &c.,

J. WANTON.

To the Honorable Peter Oliver, Esq.

The Governor of Rhode Island to Robert Auchmuty, Esq., Judge of the Vice Admiralty Court, Boston.

Roxbury, December 11, 1772.

Sir:—I embrace this opportunity of acquainting you, that I have received His Majesty's orders to attend you and the other gentlemen, commissioners for examining into the business and plundering the schooner Gaspee. In obedience to which, I shall, on notice, with all convenient dispatch, attend you on that affair. I shall be glad to know when you think the gentlemen can be got together: and am,

Your Honor's most obedient servant,

ROBERT AUCHMUTY.

To Governor Wanton.

The Governor of Rhode Island to Judge Auchmuty.

Newport, December 14, 1772.

Sir:—I have received your favor by Mr. Montagu. I shall fix upon a time for meeting the commissioners, appointed to inquire into the circumstances of destroying the Gaspee schooner, and give you and the other gentlemen, mentioned in the commission, the earliest intelligence thereof.

I am, &c., &c.,

J. WANTON.

To the Hon. Robert Auchmuty.

Circular of the Governor of Rhode Island to Judges Oliver and Auchmuty.

Newport, December 24, 1772.

Sir:—When I received the Earl of Dartmouth's letter of the 4th of September, and in consequence thereof, wrote you on the 14th inst., I was preparing to set out for the Assembly, who were adjourned to meet that day at Providence, and therefore I had not then time to attend so maturely to His Lordship's letter as its importance required.

The letter I received from Admiral Montagu, by the same express which brought me the dispatches from Lord Dartmouth, induced me to suppose I was authorized to appoint a time for the first meeting of the commissioners; but as Lord Dartmouth has signified to me, that my associates in the commission, are directed to repair to Newport, and by a vessel this day from New York, I am informed that the chief justice of that province, and the chief justice of New Jersey have engaged their passages, and will be here some time next week.

I thought it proper to give you this information, and that I am ready to meet you, agreeably to the royal instructions, whenever it may suit your convenience to attend. As soon as a quorum can be got together, I shall, without loss of time, notify Admiral Montagu, in obedience to the King's command.

I am, sir, &c., &c.,

J. WANTON.

Circular to the Judges Oliver and Auchmuty.

The Governor of Rhode Island to the Sheriffs of the several Counties.

Newport, December 22, 1772.

Sir:—In obedience to the King's command, signified to me, by the Right Honorable the Earl of Dartmouth, one of his principal secretaries of state, I have caused to be printed His Majesty's proclamation for discovering and apprehending the persons who plundered and burnt the Gaspee schooner; copies of which, I send you by express, which you are forthwith to affix in the most public places of the several towns within your colony.

I am, sir, &c., &c.,

J. WANTON.

Circular to the sheriffs of the several counties.

The Governor of Rhode Island to Admiral Montagu.

Newport, December 24, 1772.

Sir:—By a vessel this day from New York, I am informed that the Judges Horsmanden and Smythe, have engaged their passages in the sloop Lydia, John Freebody, master, and will probably be here in about a week. I give you this information, for your government.

I am, sir, &c., &c.,

J. WANTON.

To Admiral Montagu.

Admiral Montagu to the Governor of Rhode Island.

Boston, 28th December, 1772.

Sir:—I am favored with your letter, informing me that the Judges Horsmanden and Smythe are expected at Rhode Island in the course of the week. If you will be pleased to inform me when you are ready to receive His Majesty's commission, I will take care to have it delivered agreeably to my instructions.

I shall be glad to know whether you intend to proceed to business, or adjourn to any particular time, that I may conduct myself relative to His Majesty's service here, accordingly.

I am, sir, &c., &c.,

J. MONTAGU.

To His Honor Governor Wanton.

The Governor of Rhode Island to Admiral Montagu.

Newport, January 1, 1773.

Sir:—The Judges Horsmanden and Smythe arrived here last evening, from New York, and are ready to proceed immediately upon business. A number sufficient to constitute a quorum, are now assembled at Newport, waiting to receive from you the royal commission and instructions, of which I have thought it proper to give you this information, by express.

I shall be glad to wait upon you, at Newport; and am, sir, &c., &c.,

J. WANTON.

To Admiral Montagu.

The Governor of Rhode Island to Judge Auchmuty.

Newport, January 1, 1773.

Sir:—The Judges Horsmanden and Smythe arrived last evening from New York. This will be delivered you by express I send to the Admiral; and hope I shall have the pleasure of waiting on you this week, if your health will permit.

My letter to Judge Oliver, you have, without doubt, sent him. I am, therefore, in expectation of seeing him, every hour. I have only to add the compliments of the season; and am, sir, &c., &c.,

J. WANTON.

To Judge Auchmuty.

The Governor of Rhode Island to Capt. Robert Keeler, of His Majesty's Ship Mercury.

Newport, January 4, 1773.

Sir:—The commissioners meet at twelve o'clock this day, at the colony house; at which time, I expect the return of the express, when it is probable it will be determined whether it is proper to defer opening the commission until the admiral arrives. Your attendance will be necessary.

I am yours, &c., &c.,

J. WANTON.

To Captain Robert Keeler.

Admiral Montagu to the Governor of Rhode Island.

Boston, 2d January, 1773, }
 at 3 o'clock, afternoon. }

Sir:—I am this moment favored with your letter, by express, acquainting me that the Judges Horsmanden and Smythe are arrived at Newport, and ready to proceed immediately upon business, and are therefore ready to receive His Majesty's royal commission, which, by my instructions, I am to cause to be delivered to them.

I beg leave to inform you, that my captain left this place yesterday morning, charged with the commission to be given to Captain Keeler, the senior officer of His Majesty's ships at Rhode Island, who has my orders to wait on you, and know your pleasure, when he shall wait upon the commissioners with it.

He is also directed to give the commissioners all the assistance in his power, and to receive such persons, either prisoners or witnesses, as they shall send to him.

He has likewise my directions to inform the commissioners that he has some people on board that can give information relative to the burning the Gaspee, as well as of the persons concerned in that affair; and he is directed to send them to the commissioners whenever they are pleased to demand them.

As the season of the year does not admit of my coming to Rhode Island with my flag, and such ships as shall be necessary to assist the commissioners, agreeably to my instructions; yet, if the commissioners shall think it right, and for the good of the service they are upon, that my presence is necessary, I shall be ready to set out the moment I receive such notice from them. But I flatter myself they will be able to do so, without me, as I have nothing to do but to receive such persons as may be sent from them.

I am, &c., &c.,

J. MONTAGU.

To Governor Wanton.

PROCEEDINGS OF THE ROYAL COMMISSION, FOR
INQUIRING INTO THE CIRCUMSTANCES RELATIVE
TO THE TAKING AND BURNING OF HIS
MAJESTY'S SCHOONER GASPEE.

The commissioners met at the state house, in Newport, on the 5th day of January, 1773.

Present—the Hon. Joseph Wanton, Daniel Horsmanden, Esquire, Frederick Smythe, Esquire, Peter Oliver, Esquire, and Robert Auchmuty, Esquire.

COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS :

Proceedings had and taken by virtue of a royal commission, under the seal of Great Britain, directed to the Honorable Joseph Wanton, Esq., Governor of the English colony of Rhode Island and Providence Plantations, in New England, in America ; Daniel Horsmanden, Esq., chief justice of the Province of New York ; Frederick Smythe, Esq., chief justice of the Province of New Jersey ; Peter Oliver, Esq., chief justice of the Province of Massachusetts Bay, in New England ; Robert Auchmuty, Esq., judge of the vice admiralty court, established at Boston, with jurisdiction in all causes arising within the limits of the colonies of New Hampshire, Massachusetts Bay, Rhode Island and Connecticut, commissioners appointed for inquiring into and reporting to His Majesty a full and true account of all the circumstances relative to the attacking, taking, plundering and burning His Majesty's armed schooner, called the Gaspee, commanded by Lieutenant William Dudingston, within the colony of Rhode Island, in America, on the 10th day of June, A. D. 1772 ; and for other purposes therein mentioned, at the colony house, at Newport, in Rhode Island, Tuesday, the 5th day of January, A. D. 1773, the above commissioners being present.

His Majesty's said royal commission, with instructions to said commissioners, under His Majesty's signet and sign manual, were delivered to the said commissioners, by Robert Keeler, Esq., commander of His Majesty's ship Mercury, which said commission was publicly read and proclaimed.

On the perusal of said instructions, the commissioners conceived that the presence of Rear Admiral Montagu, commander in chief of His Majesty's ships and vessels employed in North America, was necessary, for the furtherance of the present service.

The following letter was thereupon written, and delivered by James Clarke, one of the secretaries to the commissioners, to Captain Symonds, to be by him immediately conveyed to Admiral Montagu :

The Commissioners of Inquiry, &c., to Admiral Montagu.

Newport, January 5, 1773.

Sir:—We, His Majesty's commissioners, for inquiring into the attacking, burning and plundering His Majesty's schooner, the Gaspee, &c., being met at this place, in order to prevent the delay of business, thought proper to receive the royal commission and instructions, from Capt. Keeler, which, until yours of the 2d inst., we concluded would have been delivered by you.

This day the commission was opened and published, and the instructions carefully perused; in one, of which, we find the following words: "To the end that they may be accordingly arrested, and delivered to the custody of the commander in chief of our ships and vessels in North America, pursuant to such directions as we have thought fit to give for that purpose."

By virtue of these words, we conceive, that in case any person or persons should be arrested for the above mentioned crime, you are the only person to whom such prisoners can regularly be delivered for safe custody: therefore, we think your attendance at Newport, is absolutely necessary. We are sorry to give you this trouble: but our duty, as we apprehend, obliges us to do it.

We are, sir, with great respect,

Your most humble and obedient servants,

JOSEPH WANTON,
DANIEL HORSMANDEN,
ROBERT AUCHMUTY,

FREDERICK SMYTHE,
PETER OLIVER,

Commissioners.

To Admiral Montagu.

ence to any of them. And we do swear, that we will bear faithful and true allegiance to His Majesty King George the Third, and him will defend to the utmost of our power, against all traitorous conspiracies and attempts, whatsoever, which shall be made against his person, crown or dignity. And we will do our utmost endeavor to disclose and make known to His Majesty, and his successors, all treason and traitorous conspiracies which we shall know to be against him or any of them. And we do faithfully promise to the utmost of our power, to support, maintain and defend the succession of the crown against the descendants of the said James, and against all other persons, whatsoever; which succession, by an act entitled "An act for the further limitation of the crown, and better securing the rights and liberties of the subject," is, and stands limited to the princess Sophia, electoress and duchess dowager of Hanover, and the heirs of her body, being Protestants. And all these things we do plainly and sincerely acknowledge and swear, according to these express words by us spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation, whatsoever. And we do make this recognition, acknowledgment, abjuration, renunciation and promise heartily, willingly and truly, upon the true faith of a Christian. So help us God.

J. WANTON,
DAN. HORSMAN DEN,
ROBT. AUCHMUTY,

FRED. SMYTHE,
PETER OLIVER.

We do swear, that we do, from our hearts, abhor, detest and abjure, as impious and heretical, that damnable doctrine and position, that princes excommunicated or deprived by the Pope or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other, whatsoever. And we do declare, that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm. So help us God.

J. Wanton
Dan. Horsmanden
Fr. Smyth.
Peter Oliver
Robt Auchmuty

The proceedings of the said commission were then adjourned till to-morrow, at 11 o'clock, then to meet at the colony house, aforesaid.

Wednesday, January 6, 1773.

The commissioners met, according to adjournment.

The commissioners determined that it was necessary that an advertisement be published in the next Newport Mercury, giving notice that the said commissioners had assembled, and were now daily sitting at the colony house, in Newport, for the purpose of proceeding upon, and duly executing the said commission; and that they are ready to receive information relative to the attacking, taking, plundering and burning the Gaspee schooner, on the 10th of June last past; in consequence of which resolutions, the following advertisement was ordered to be published:

Advertisement in the Newport Mercury, of the meetings of the Commissioners.

“COLONY OF RHODE ISLAND AND PROVIDENCE PLANTATIONS:

The public are hereby informed, that the honorable the commissioners, appointed under the seal of Great Britain, for inquiring into the circumstances of attacking, plundering and burning His Majesty's schooner Gaspee, under the command of Lieutenant William Dudingston, on the 10th of June last, are now convened, and continue to sit every day, Sundays excepted, at the colony house, in Newport, in conformity to His Majesty's instructions.

Wherefore, all persons who can give any information to the said commissioners, relative to the assembling, arming and leading on the persons who made the said attack, and the directing and preparing the same, are requested forthwith to give information thereof, to said commissioners at the above mentioned place.

By order of the commissioners.—

JOSEPH BRENTON,

JAMES CLARKE,

Secretaries.”

The proceedings on said commission, were then adjourned till to-morrow, at 10 o'clock; then to meet at the colony house, aforesaid.

Thursday, January 7, 1773.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., Robert Auchmuty, Esq.

Governor Wanton laid before the commissioners four letters, which had passed between him, Admiral Montagu and Lieutenant Dudingston ; also, one other letter, signed by Governor Wanton, and transmitted by him, by order of the General Assembly, of the colony, aforesaid, to Rear Admiral Montagu ; which letters, are prior in date, to the attacking and burning His Majesty's schooner Gaspee, which were read, and ordered to be put on file.

Sundry papers, letters and depositions, to the number of twenty, containing the proceedings of the Governor and Deputy Governor of the colony, aforesaid, relative to the burning the schooner, were delivered by Governor Wanton to the commissioners, which were also read, and ordered on file.

Governor Wanton informed the commissioners, that Mr. Sessions, Deputy Governor of the colony, was in Newport, and ready to attend the commissioners, to give them an account of the steps he had taken, in order to discover the persons who destroyed His Majesty's schooner Gaspee.

A message was sent to Mr. Sessions, requesting his attendance ; who accordingly came before the commissioners, and was by them requested to give in writing, upon oath, a full and particular account of the measures he had taken, in order to the discovery of the persons who perpetrated the aforesaid crime ; which he assured the commissioners he would do, without loss of time.

Stephen Hopkins, Esq., Chief Justice of said colony, also appeared before the commissioners, and assured them he was ready and willing to aid and assist the commissioners in the exercise of the power and authority with which they are invested, for discovering the persons who destroyed the Gaspee schooner, &c.

The commissioners then requested Mr. Hopkins to give them, in writing, a full and particular account of all the proceedings had and done by him, for discovering and bringing to justice the persons who committed the aforesaid offence ; and also what knowledge or information he had obtained of the assem-

bling, arming and leading on the persons who perpetrated the same ; which he also promised to do, without loss of time.

The proceedings on the commission were then adjourned till to-morrow, at 10 o'clock before noon ; then to meet at the colony house, aforesaid.

Friday, January 8, 1773.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., Robert Auchmuty, Esq.

Mr. Brenton, one of the secretaries under the present commission, was examined by the commissioners, touching the obstruction to the execution of a warrant issued by Metcalfe Bowler, Esq., on the 17th of July last, in order to apprehend the negro Aaron, then on board His Majesty's ship, the Beaver ; which examination, was reduced to writing, sworn to before the commissioners, and ordered to be filed.

Deposition of James Brenton.

James Brenton, now residing in Newport, in the colony of Rhode Island, in North America, Esq., being of full age, duly sworn upon the holy evangelists, deposes and saith :

That, upon the 17th day of July last, he was requested by the Hon. Joseph Wanton, Esq., Governor of the colony of Rhode Island, aforesaid, to attend Robert Lillibridge, one of the deputy sheriffs in the county of Newport, in said colony, who was ordered with a warrant from Metcalfe Bowler, Esq., one of the justices of assize, in said colony, to repair on board His Majesty's ship, the Beaver, and to make diligent search for one Aaron, a mulatto lad, charged with being concerned (with others unknown), in attacking and burning His Majesty's schooner, the Gaspee, on the 10th of June last ; and upon finding the said Aaron, to take him before the said Metcalfe Bowler, or some other lawful authority, in order that the said Aaron might be examined relative to the said transaction, and be proceeded against, according to law.

That this deponent, about 1 o'clock, in the afternoon, of the said 17th day of July, went with the said deputy sheriff, from said Newport, in order to go on board His Majesty's ship, the Beaver, then lying in the harbor of Newport ; that, when the boat in which this deponent and the said deputy sheriff were, came near the said ship, they were forbidden by the sentinel, upon the ship's gangway, from going on board.

This deponent then acquainted a person, who appeared to be the commanding officer, upon the deck of the said ship, that he, this deponent, with your said deputy

sheriff, were then come to demand that Aaron, a mulatto lad, who was charged with being concerned in the attacking and burning the schooner Gaspee, and who, they were informed, was then on board said ship, might be delivered to the deputy sheriff, in pursuance of a warrant for that purpose.

That the said officer then on deck, answered this deponent, that Captain Linzee, the commander of the said ship, was not on board; and that he, the said officer, could do nothing without orders. The said officer further acquainted them, that Capt. Linzee was then on shore, at Brenton's Point.

That, this deponent then, together with the said deputy sheriff, went on shore, at the farm of Jahleel Brenton; where, at the said Jahleel Brenton's house, this deponent saw the said Capt. Linzee, and acquainted him that he came to attend the deputy sheriff with a warrant, in order to demand of him, the said Capt. Linzee, that he would deliver up to the civil magistrate a mulatto boy, called Aaron (who, they were informed, was on board the Beaver man-of-war, under his command), in order for his examination and commitment; and at the same time, this deponent showed to the said Capt. Linzee, the said warrant, and he was then and there requested to deliver up said mulatto, in consequence thereof.

To which, the said Capt. Linzee then answered, that it was true that he had the said mulatto then on board His Majesty's said ship, the Beaver; but that he would not deliver him to any civil authority, whatever, in the said colony.

This deponent then told Capt. Linzee, that he, this deponent, came to wait upon the said Capt. Linzee, at the particular request of Governor Wanton, the chief magistrate of said colony, in order to explain to him, if necessary, the nature of the warrant, and the impropriety of Capt. Linzee's conduct, in withholding a man charged with a capital crime, from the civil power.

To which, Capt. Linzee replied, that he knew no civil authority, in said colony; that, in regard to the Governor, he was a damned rascal, and that Admiral Montagu's power was the only power he knew in America, and without his orders he should not deliver the said mulatto.

The deponent then asked him, the said Capt. Linzee, if he had any doubt about the legality of the warrant, which this deponent held in his hand?

To which, Capt. Linzee, looking carelessly upon it, said, it might be good for what he knew; but that he did not regard it any more than if it was a piece of blank paper.

This deponent further saith, that the deputy sheriff (who was with this deponent, at Jahleel Brenton's farm,) did not go into the house where Capt. Linzee was, but waited without doors, as Capt. Linzee (being at that time suspicious of being arrested by civil process, on account of some seizures which had been made by him,) would not consent that the deputy sheriff should see him. And further this deponent saith not.

J. BRENTON.

Newport, January 8, 1773.

Sworn to, before the commissioners.—

J. WANTON,
DAN. HORSMANDEX,
ROBT. AUCHMUTY,

FRED. SMYTHE,
PETER OLIVER.

The commissioners thought it advisable to defer the examination of any of the witnesses respecting the burning of the Gaspee, &c., until the arrival of Admiral Montagu, at Newport; or they receive an answer from him, to their letter written the 5th inst., and transmitted by Capt. Symonds.

The proceedings on the commission then adjourned till tomorrow, at 10 o'clock, in the forenoon, then to meet at the colony house, aforesaid.

Saturday, January 9, 1773.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq. and Robert Auchmuty, Esq.

Darius Sessions, Esq., Deputy Governor of the colony of Rhode Island, attended the commissioners, with a declaration in writing, containing a full and particular account of the measures he had taken, in order to make a discovery of the persons concerned in the attacking and burning the Gaspee schooner; which was read, sworn to, and ordered to be filed.

Deposition of Deputy Governor Darius Sessions.

COLONY OF RHODE ISLAND, &c.:

Be it remembered, that at Newport, in said colony, on the 9th day of January, in the year of our Lord 1773, before the commissioners appointed by a commission under the great seal of Great Britain, for inquiring into and reporting unto His Majesty, all the circumstances of burning His Majesty's schooner Gaspee, &c., on the 10th of June last, in his proper person, came and appeared the Hon. Darius Sessions, Esq., of Providence, and Deputy Governor of the colony, aforesaid; who being duly sworn upon the holy evangelists of Almighty God, testified and saith:

That in the 9th of June last, at about 9 o'clock, he heard a drum beat in the street, opposite to his house. Soon after he went to his window and looked out, and saw the drum surrounded by a number of boys, at some distance from the house, going up street; in a short time afterwards, he heard the drum returning; whereupon, he went back to his window, where he remained until it passed his house; and, as the moon shone very bright, he could plainly discover they were only a company of boys, not exceeding ten or twelve in number; two or three of which, appeared to be about thirteen or fourteen years of age; the others about ten or twelve; and concluding they were gathered together for no other design than to divert themselves with the drum, he retired from his window, without saying any-

thing to the boys; soon after which, the noise of the drum ceased; the remaining part of that night, he heard not the least noise or disturbance in the streets, or in any other part of the town, nor received any the least hint, suggestion, intimation or information of any riot, outrage or tumultuous assembling of the people, nor intention thereof; neither did he then know there was an armed vessel in the river, nearer than the town of Newport, which is thirty miles from Providence; had he known, or even suspected any riot, his utmost endeavors would have been exerted in surprising it.

The next morning, one of his neighbors came and told him the Gaspee was burnt, and the captain wounded; and that an express had arrived in town for a surgeon, to dress the wounds of the officer, who lay then at Pawtuxet, about five miles from Providence.

Immediately upon hearing this disagreeable news, he set out with a design to examine into the affair; and when he reached Pawtuxet, he saw the schooner on fire, lying on a point of land, called and known by the name of Namquit Point, about two miles from Pawtuxet, in the town of Warwick, in the county of Kent, and colony, aforesaid.

He made inquiry if any of the offenders were known, but could get no information; he then went to a small house by the shore, where he heard Lieutenant Dudingston was lodged, and there found him in dangerous circumstances.

He told Lieutenant Dudingston if he wanted money, surgeons, or better lodgings, or any kind of assistance, he should have every relief in his power.

Mr. Dudingston replied, that he had saved his money, which was about one hundred dollars, and therefore wanted no favors for himself; but desired that some care might be taken of his people, that they might be collected together, and sent to the admiral, at Boston, or on board the Beaver, at Newport, which the deponent promised he would do.

He then told Mr. Dudingston the design of his visit at that time, was not only to afford him any assistance he might need, but also to procure such a declaration from his own mouth, respecting the attack that had been made on his person, and the vessel he commanded, that the offenders might be brought to justice.

Mr. Dudingston answered, that he would give him no account of the matter. First, because of his indisposition of body; and second, because it was his duty to forbear any thing of that nature, until he had done it unto a court martial, unto which, if he lived, he would be called by his commanding officer.

The deponent then asked him, if he was willing he should examine his officers and people; which, after some refusal, he consented to; and they all agreeing nearly to every thing material relative to the destruction of the schooner, he forthwith transmitted copies of their examinations to the Governor.

The deponent then gave orders that the seamen should be collected together, and provided with victuals and lodgings, and that a boat should be got ready by the next morning, to carry them on board the Beaver; all which, was executed with care and expedition.

The deponent also gave orders that the stores and remains should be collected and lodged in a warehouse, which was done, and soon after delivered to Capt Linzee, of the Beaver.

He also desired a gentleman, who lived near Mr. Dudingston, to supply said Dudingston with any thing he wanted; and also that he would lodge and entertain any surgeons or others, who might come to visit him; and which the deponent verily be-

lieves he verily complied with. These expenses were recommended by the deponent, to the General Assembly, who ordered payment out of the public treasury.

The deponent consulted with the Chief Justice, and most of the civil authority in that part of the colony where he resides, who highly disapproved of the riot; and universally declared they were ignorant of any of the proceedings, and gave it as their opinion that measures ought to be pursued for discovering and bringing to justice the perpetrators.

A proclamation was soon after issued by the Governor, which was posted up in all the towns near where the offence was committed; but as yet, the deponent has not received any information of any of the persons concerned in that offence: neither has he ever heard that information has been made to any of the civil authority within the colony. And further this deponent saith not.

DARIUS SESSIONS.

N. B. The words, "nor intention thereof," on the fifth line of the second page; "and colony. aforesaid," on the eighteenth line of the same page; "which, after some refusal, he consented to, and they," in the nineteenth line of the third page; "relative to the destruction of the schooner," in the twentieth line of the same page, were interlined before the above deposition was signed and sworn to.

Sworn to, at Newport, this 9th day of January, before us.—

J. WANTON.

FRED. SMYTHE,

DAN. HORSMANDEN,

PETER OLIVER.

ROBT. AUCHMUTY.

A letter was delivered to the commissioners, about two o'clock, P. M., then sitting at the colony house, by express, in answer to their letter of the 5th instant, and forwarded by Capt. Symonds, which was read, and ordered to be filed.

Admiral Montagu to the Commissioners, &c.

Boston, 8th January, 1773, }
1 o'clock, P. M. }

Gentlemen:—I was last night favored with your letter, by Capt. Symonds; and as you are so desirous of having me at Rhode Island, I shall, without you alter your opinions, set out on Monday next.

At the same time, give me leave to observe to you, that my coming at the time, is attended with a great delay to His Majesty's service here, and at Halifax, and can answer no purpose, as I have fully and properly directed the commanding officer at that place in what manner he is to act, relative to his assisting the commissioners and receiving the prisoners.

You say, by your instructions, you are directed to deliver to the custody of the commander in chief of His Majesty's ships and vessels in North America, all such prisoners as may be apprehended; and therefore, you are of opinion, that in that case, if any

person or persons should be arrested for the crime set forth in your commission, I am the only person to whom such prisoners can regularly be delivered, for safe custody.

In answer to which, I beg leave to refer you to the sixth paragraph of My Lord Dartmouth's letter, to Governor Wanton, where you will see, "The prisoners are to be delivered to the care and custody of Rear Admiral Montagu, or the commander in chief in North America, for the time being, or to such officer as he shall appoint to receive them."

By my instructions from the lords of the admiralty, I am directed to repair to Rhode Island, as soon as conveniently may be, with such of His Majesty's ships and vessels under my command, as I shall judge proper, and give all the aid and assistance in my power, for discovering and bringing to justice the offenders.

The winter season is so far advanced, as prevents my complying with that part of my orders, as it is very improper to move so large a ship as the *Captain*, at this time of the year; and without her, it is impossible for me to carry on the service.

I flatter myself, there has been no delay of business, owing to my not coming with the commission; for had I been there, I should have tendered it in the same manner I have done, as by my instructions, I am directed, when the commissioners are ready to receive it, to cause it to be delivered to them.

I shall certainly set out on Monday next, if I can complete my business here, and be ready to give you every assistance in my power.

I am, with respect, gentlemen,

Your most obedient, and most humble servant,

J. MONTAGU.

To His Majesty's commissioners, at Rhode Island.

The commissioners immediately agreed to an answer; which was written accordingly, and sent off about three o'clock, by the same express.

Monday, January 11, 1773.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., and Robert Auchmuty, Esq.

The commissioners received a letter from Metcalfe Bowler, Esq., one of the justices of assize, in the colony of Rhode Island, tendering his services in aid of the commission, which was read, and ordered to be filed.

Justice Metcalfe Bowler to the Commissioners, &c.

Newport, January 11, 1773.

Gentlemen :—In obedience to His Majesty's command, signified by Lord Dartmouth, to His Honor the Governor, dated Whitehall, September 4th, 1772, which was laid before the General Assembly, wherein His Lordship expressed His Majesty's dependence upon the care and vigilance of the civil magistrates of the colony, to take the proper measures for arresting and committing to custody, in order to their being brought to justice, such persons as shall, upon proper information before them, or before His Majesty's commissioners, appear to have been concerned in the plundering and destroying His Majesty's schooner Gaspee, and dangerously wounding and ill-treating His Majesty's officer who commanded her, &c.

As a civil magistrate, and one of His Majesty's justices of assize, in and throughout the colony, impressed with a regard for the dignity of the crown, and the welfare of the colony, I now tender my assistance, whenever it shall be necessary : and when called upon by the commissioners, or otherwise, will exert every authority which the colony has invested me with, towards the apprehending any persons against whom information may be lodged, or being concerned in the destruction of His Majesty's schooner, the Gaspee, or may appear to have been any ways aiding or assisting in that most daring insult offered against His Majesty's crown and dignity, within the colony, on the 10th of June last.

I am, with the greatest respect,

Your most obedient humble servant.

METCALFE BOWLER.

To the Honorable His Majesty's Commissioners.

The commissioners issued a summons for bringing before them Stephen Gulley, a witness, relative to the taking and burning of the Gaspee schooner, in order to be examined before them, at 11 o'clock, to-morrow morning.

Tuesday, January 12.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., and Robert Auchmuty, Esq.

Stephen Gulley, who was summoned to give evidence to the commissioners, of what he knew concerning the attacking and burning the Gaspee, &c., appeared before them, and was examined upon oath ; which examination was reduced to writing, signed by the deponent, and ordered to be filed.

The Deposition of Stephen Gulley.

The examination on oath, of Stephen Gulley, before the honorable commissioners, this 12th day of January, A. D. 1773.

Question—What is your name and occupation ?

Answer—Stephen Gulley, is my name, and a husbandman, my occupation.

Q.—What age are you ?

A.—Aged forty-one years.

Q.—Where is your place of abode ?

A.—At Smithfield, in the county of Providence, in the colony of Rhode Island.

Q.—Have you lately been on board any of His Majesty's ships ? What ship ? How long have you been on board ?

A.—That he has been on board His Majesty's ship, the Lizard, ever since Tuesday last ; and that he went voluntarily on board for his own personal safety.

Q.—What reason had you to suppose you was unsafe ?

A.—On Monday night, the 5th inst., he went into the public house, at the ferry, on Rhode Island side, where he sat down and called for some drink, which they gave him ; he then called for supper, and had it ; afterwards, he rose from the table and sat down near the fire-place, by the master of the house, when a man, unknown to him, came and sat down by his side.

I asked where he was bound ; he said to Newport. The man told him he would not get there ; he asked him for what reason he thought so ; he replied, there were about twenty armed men in the road, one of them, with two brass pistols ; who, he said, were come to take him alive or dead, to carry him back to Providence ; that he, said man, went out into the other room.

The landlord then spoke to the deponent, and told him he would give him a word of advice ; he said there were about twenty armed men, that said they would have him, the deponent ; and that he did not know but they would tear his house down, if he stayed there.

He then called his children, and, he believes, his wife, into the room, and gave them a strict charge to tell the man, if they inquired after this deponent, that he was gone out with the landlord, to talk together ; and that this happened about eight o'clock, in the evening.

The landlord then told him he would show him a way where he might escape their hands, that they might know nothing where he was gone. The landlord then went with him about a quarter of a mile, he thinks from said house, in sight of a pond, and they then parted, the landlord first directing him to the road to Newport.

Q.—What do you know relative to the attacking and burning the Gaspee schooner, on the said 10th of June last ?

A.—As to my own knowledge, I know nothing about it ; but that some time about the last of December last, he was told by Capt. William Thayer, of Mendon, in the Province of Massachusetts, that Saul Ramsdale, late of Mendon, who was a shoemaker, at work at Providence, at the time the Gaspee was burnt, told him and one of his sons, he knew who the persons were, who were concerned in that affair ; and that he, the said Ramsdale, was in company with them, before they went off from Providence, but did not go himself ; upon which, this deponent went immediately to Ramsdale, who was then at Mendon.

He found a young fellow with him; but upon this deponent telling Ramsdale that he wanted a private conversation with him, the young man went away: this deponent then asked him about the burning of said Gaspee schooner, and whether he had any knowledge of that matter.

Ramsdale then asked him who told him that he, Ramsdale, knew any thing of that matter.

He told him he did not choose to say who gave him that intelligence; he, said deponent, then told him, if he would give this deponent any intelligence about the burning the Gaspee schooner, he would be a good friend to him.

Ramsdale then told him he did know something about the thing; that he knew the heads of the gang that went down the river with that intention; that he saw two men with guns under their arms; and one of them swore with a very high oath, that he would be revenged upon the affair he was going upon, before he returned; and that he, the said Ramsdale, was picked for one of the gang to go with them; but being faint-hearted and discouraged, he did not go.

This deponent then asked him whether some of the Browns were not concerned.

Ramsdale answered yes; but does not remember that he mentioned his Christian name.

He, this deponent, then asked him how many in number there were; if there were two hundred.

He said more.

He then asked him, if there were four hundred.

He said not so many.

He then asked him, if there were three hundred.

He said yes.

He then asked him, if there were any more.

He said yes; something upwards.

He then parted with said Ramsdale, and this deponent then went to Boston. This deponent further saith, that he had been acquainted with said Ramsdale many years; that he told said Ramsdale that he would be sent for, and Ramsdale begged he would not discover him.

STEPHEN GULLEY.

Newport, 12th January, 1773.

Sworn to, before us,—

J. WANTON,
DAN. HORSMAN DEN,
ROBT. AUCIMUTY,

FRED. SMYTHE,
PETER OLIVER.

The commissioners were of opinion, that it was necessary to issue a summons to Saul Ramsdale, William Thayer and Joseph Borden.

A summons was accordingly issued, and delivered to Samuel Clarke, who was sent off express, at 2 o'clock.

Wednesday, January 13, 1773.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., and Robert Auchmuty, Esq.

Joseph Borden, of Portsmouth, inn-holder, pursuant to summons, appeared before the commissioners, and was examined upon oath; which examination, was taken in writing, and ordered to be filed.

The Deposition of Joseph Borden.

Newport, ss.

Colony of Rhode Island.)

January 13th, 1773.)

Joseph Borden, of Portsmouth, in the county of Newport, in the colony of Rhode Island, &c., landholder, of lawful age, appeared before the honorable commissioners for inquiring into the circumstances of burning the Gaspee, &c.; and being sworn upon the holy evangelists of Almighty God, deposed and saith:

That some time in the beginning of last week, a man came to his house, in Portsmouth, who called himself Stephen Gulley; he appeared to be in liquor, and requested that he might have supper and lodgings, which the deponent told him he might have.

Before supper, he went from the deponent's house, in company with one Thomas Aylesbury; and as they had both been noisy and used very bad language, the deponent fastened the doors of his house, in order to keep them out.

After some time, this Stephen Gulley returned, and knocked at the door; upon which, he let him in, and told him his supper was ready in the back room; and while he was eating his supper, Aylesbury returned, and said to Gulley, "My friend, I believe you are upon some bad design, as I understood, by your talk, you are going to Newport to give information about the burning the Gaspee."

To which, Gulley replied, that "It was nobody's business but his own."

Then Aylesbury told him, he would not get to Newport, as there were a number of Indians, with brass pistols, in the road, who would take care of him.

But this deponent in fact saveth, that he did not know, neither has he any reason to believe, there were any Indians in the road leading to Newport; and the deponent supposed that Aylesbury told his story to Gulley, with no other design but to frighten him.

After Aylesbury left the room, Gulley asked the deponent what he should do; and as he recollected Aylesbury was in liquor, and did not know but there might be some disturbance between him and Gulley, he, the deponent, told Gulley there was a lower road that he might go in, by which he might avoid that which Aylesbury had told him the Indians were in; and if he would pay his reckoning, he would go and direct him to that road.

On which, he asked the deponent if he would not take a weapon with him.

Whereupon, he replied, that he should not take a weapon with him, as he did not

believe any body would hurt him, the deponent, or the said Gulley; and then immediately proceeded to show him the road, by going with him, as far as his barn, which is about twenty rods from the deponent's house; and showed him a pond, near to which, was a road; and directed him to take that road, and steer southward, till he came into the main road, which he would soon do. The deponent then left Gulley, and returned to his dwelling house, where he saw nobody but his own family, either in the house or about it, and every thing remained quiet.

And this deponent further saith, that while he was in the kitchen, soon after Gulley came to his house, and before Aylesbury had told Gulley he believed he was upon some bad design, he heard a person reading the King's proclamation for discovering the persons who burnt the Gaspee schooner; upon which, Gulley said it was a fine reward, and he intended to have it; and the deponent believes that Aylesbury was then in the room: and further, this deponent saith not.

JOSEPH BORDEN.

Sworn to, at Newport, the day and year before written, before us,—

J. WANTON, FRED. SMYTHE,
DAN. HORSMANDEN. PETER OLIVER.
ROBT. AUCHMUTY,

Thursday, January 14, 1773.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq. and Robert Auchmuty, Esq.

Aaron, the mulatto, appeared before the commissioners, and was examined upon oath, relative to the burning the Gaspee, which was taken in writing, and filed.

Deposition of the Negro Aaron Briggs.

The examination of Aaron, a mulatto, upon oath, taken this 14th day of January, A. D. 1773.

Aaron Briggs, aged eighteen years, or thereabout, declares, that at the age of five years, he was bound by the town of Portsmouth, an apprentice to Capt. Samuel Tompkins, of Prudence Island, until he should arrive at the age of twenty-four years; from which time, until he went on board the man-of-war, he was constantly in the service of the said Capt. Tompkins, as a laborer, on his farm.

That his master kept a two-mast boat, in which to transport his farm produce to market; which was the only sail-boat within five miles of his master's farm, at the time the Gaspee was burnt.

That, at that time, one Remington, who lived about one mile from where the deponent lived, had a row-boat, large enough for six hands to row; also, one Ephraim Peirce, at about a mile and a half distance, had a two-mast boat; and that the sails of his master's boat, had been taken off some time before the night on which the Gaspee was burnt; and she leaked in such a manner, that she could not sail.

That a little after sunset, on the night on which the Gaspee was burnt, he left the

island of Prudence, but does not know the day of the week, or the day of the month; that he went off the island in a little fishing-boat, of two oars, which boat lay just before the house; that before sunrise, and about an hour after day-break, he returned to his master's house, from the shore where they landed the people belonging to the Gaspee: which shore, was about a mile above said Gaspee; and the Gaspee about six miles from his master's house; and that it was about four or five miles from his master's, to the place where they landed the Gaspee people; that he found the oars in the boat, that he went off said island in.

That the reason he went off the island, was to carry the boat round to the east side of said island, to carry a man named Samuel Faulkner, a hired man, to Bristol the next night; and that this young man told the deponent, that he would ask his master's leave, for that purpose.

That going round said island, at about half a mile from said shore of said island, he met a boat and one Potter, whose Christian name he does not know, and whom he, in company with Faulkner, abovenamed, had once seen on a wharf, at Bristol, and there heard him called by the name of Potter.

And further says, that said Faulkner told him, that that was the person who owned the rope-walk at Bristol, which they had been in; that when he met said Potter, as above mentioned, he was in a boat which was rowed with eight oars; that the time he met the said Potter, was about half an hour after he, this deponent left the island, and he, said Potter, was about five miles from Bristol: that there were eleven men in said boat: said Potter was in the stern sheets; that the weather was cloudy; that when Potter hailed him, they were about fifteen rods distant.

The first words Potter spoke, was by asking who was in that boat.

The deponent answered, he was in there.

Potter told him to come that way, he wanted to speak to him.

Upon which, he went to him; and Potter told him he wanted this deponent to go up with him, about a mile, and that he would be back in an hour.

This deponent said he could not; he was in a hurry to go home.

To which, Potter replied, he must go with him.

The deponent answered, he could not; he must go home, or his master would punish him; and this deponent then began to row away.

Potter told him he wanted this deponent to go with him, to fetch something down, which this deponent had forgotten; and that he would pay him for so doing.

This deponent said he had rather go home, for if his master should miss him, he would say he was out all night, and flog him.

Upon which, Potter said, there is no can't in the matter; you must go along with me; we shall be back in an hour; and further said, give me your painter, you need not row, we will carry you up there.

Upon which, this deponent gave them the painter; that he, this deponent, being in his own boat, was rowed up by Potter's boat, till they came within half a mile of the schooner.

Potter then said to this deponent, get into my boat; that he got into the boat; Potter then told him, they were going to burn the man-of-war schooner, and that he, this deponent, must go with him.

To which he replied, that it was hard for him to be brought there, where he might lose his life.

Potter then said, they were all upon their lives.

This deponent still repeated, it was hard for him to go.

But Potter said he must go, now he was there; that they would give him a weapon, and he must do as they did, knock them down, and not let them kill him, if he could help it, and gave him a handspike; the rest were armed some with cutlasses, some with muskets; this happened at about 10 o'clock, at night.

Potter further told this deponent, that they expected sixteen or seventeen more boats from Providence.

In about an hour afterwards, they met eight boats, about half a mile from the schooner, which appeared to be pretty full of people.

Upon their meeting, Potter and two men, called Brown by the people, whom this deponent did not know, talked about how they should board the schooner. One of these persons, called Brown, got into Potter's boat, on which they were hailed from the Gaspee, and told to stand off; upon which, Brown said row up.

Immediately after, he, this deponent, saw the captain of the schooner come upon deck, in his breeches, and fired a pistol into one of the boats, and wounded one of the men in the thigh; that he saw a man who was in the boat with Potter, and who was called Brown, fire a musket, which wounded the captain; after which, there was no more firing; but they instantly boarded the schooner; that the captain of the schooner, when he was wounded, he thinks, stood by the foreshrouds, upon the left hand side.

When they got on board, there were about four of the schooner's men on deck, and the rest were coming up out of the hold; and somebody said, "Knock 'em down and kill them; no matter what you do with them."

That this deponent did not know the Browns, nor hear them called by their Christian names; and further declares, that it was John Brown, who shot the captain; and that he hath never seen either of the Browns since.

That after they got possession of the vessel, they took the hands belonging to the schooner, and threw them down the hold; and this happened about 3 o'clock, in the morning.

Then the people searched the vessel, took the captain's papers, which he desired they would give him; but they refused, tore them, and threw them overboard. Then they took the Gaspee's people, tied their hands, and put them into the boat, and carried them ashore, this deponent going with them.

By the time they got half way ashore, the schooner was on fire; that before they went ashore, a doctor, whom they called Weeks, from one of the boats, dressed the captain's wounds; that when they had landed the people, they untied their hands, and let them go, and the captain of the schooner they carried up to a house.

After they had landed the men, they put off to return, and Potter told them he would give him two dollars for what he had done, which he accordingly did; upon which, this deponent set off in his own boat, and rowed home; that it was about four o'clock, when they had landed the schooner's people; that it was a moonlight night, but sometimes cloudy; that soon after the people had boarded the schooner, they hoisted the top-sails, her head laying up towards Providence; and he saw nothing further done to her, or her sails; that the schooner, when they boarded her, was aground; that the person who acted as surgeon, he thinks he has seen at his master's house; but is not sure it was the same person.

This deponent further says, that the person to whom he first gave an account of the above affair of burning the Gaspee, was Capt. Linzee, of the Beaver.

Some time after the burning of the schooner, he went on board the Beaver, in his master's said boat; that immediately upon his going on board, they put him in irons,

because they imagined he intended to run away from his master: it was about 10 o'clock, at night, when the deponent was put in irons, and was released about 10 o'clock, the next day, and then they were going to flog him.

After he was tied up to the mast, one of the Gaspee's men, called Paddy Alis, jumped up, and told the captain, that he thought he, this deponent, was one that was aboard the schooner Gaspee.

About this time, the deponent had said nothing about the burning of the schooner, nor had made no discovery relating to what he knew.

The captain asked the man if he was sure of it.

He said yes.

The captain asked what clothes he had on.

The man said two frocks.

Then the captain told the man to examine what clothes he had, which they found were two frocks.

There was no mention made of any other clothes. The next day, Paddy Alis, and the deponent, were called up before the captain, who asked Paddy if he was sure that this deponent was one concerned in the attack on the schooner.

He said yes.

He further asked him, if he could swear to it.

He answered yes.

That the captain then administered an oath to the said Paddy, upon the Bible, who swore that this deponent was there.

The captain then said to this deponent, "My lad, you see this man has declared you was there; and if you don't tell who was there with you, I will hang you at the yard arm, immediately; and if you do, you shall not be hurt."

Upon which, this deponent told the captain all the heads that were there; the captain saying he did not want to know any thing about the poor people, but only the heads.

This deponent further says, that he never spoke to any of the Beaver's crew till he got on board; that his master's boat, in which this deponent went on board the ship, his master went on board and received again; that this deponent went on board said man-of-war with an intention not to return again to his master; that he, this deponent, never was christened, and that he should have told Capt. Linzee all he knew relating to the Gaspee, immediately upon his going on board, if they had not put him in irons.

The deponent further says, that the morning after the burning of the schooner, when he returned to his master's, he went to bed with two black servants, with whom he usually slept; he lay there a little while, and upon his master's knocking, he got up, and went to fetch the cows.

That when he first returned to his master's house, he got in at a lower window, on the south-west part of the house, which opens into the middle room; that during the whole transaction on said night the schooner was burnt, no man called this deponent by his name, or knew him.

his
AARON X BRIGGS.
mark.

Sworn to, this 14th day of January, A. D. 1773; at the council chamber, in Newport, before us—

J. WANTON,
DAN. HORSMANDEN,
ROBT. AUCHMUTY,

FRED. SMYTHE,
PETER OLIVER.

The commissioners issued a summons for Patrick Earle, to appear before them, on Friday, the 15th inst., to give evidence of what he knows respecting the burning of the Gaspee, &c.

The commissioners received a letter from Admiral Montagu, acquainting them of his arrival at Newport.

Admiral Montagu to the Commissioners, &c.

Newport, Rhode Island,)
14th January, 1773. }

Gentlemen:—At your request (although at a very unseasonable time of the year, and not in the manner I am directed by my instructions from my lords commissioners of the admiralty), I am come to this place, and have hoisted my flag on board the *Lizard*.

I shall be glad, therefore, that you will inform me what service I can render to you, in the execution of your commission.

I flattered myself I had given Captain Keeler (the senior officer of His Majesty's ships here,) such orders as would not have required my attendance, until I was able to have come in a proper manner, with the ships under my command, and at a proper season of the year. I doubt not but that he would have faithfully put his orders in force, and have given you the same assistance I can possibly do, now I am come.

I have ordered Aaron, the negro, to be brought to the wharf, agreeably to your summons, who will be delivered to your officer; and I am to desire, when you have done with him, the civil officers may be directed to see him safe to the boat again.

I am, gentlemen,

Your most obedient and humble servant,

J. MONTAGU.

To His Majesty's commissioners, at Newport.

The commissioners received from Admiral Montagu, the deposition of Patrick Earle, taken the 16th of July last, before a justice of the peace, in the town of Newport.

The commissioners adjourned till to-morrow morning, at 10 o'clock.

Friday, January 15.

The weather being extremely cold and violently stormy, the commissioners did not meet.

Saturday, January 16.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Frederick Smythe, Esq., Peter Oliver, Esq. and Robert Auchmuty, Esq.

Patrick Earle, a mariner, on board His Majesty's ship, the *Lizard*, pursuant to summons, appeared before the commissioners, and was examined upon oath; which examination was taken in writing, and ordered to be filed.

Deposition of Patrick Earle.

The examination of Patrick Earle, taken on oath, this 16th of January, 1773 :

Patrick Earle, of full age, a mariner, on board His Majesty's ship the *Lizard*, commanded by Capt. Inglis, being duly sworn, deposeth and saith :

That he was a sailor on board the *Gaspee* schooner; on the 10th of June last, when she was run aground on a spit of land, that between 1 and 2 clock, the captain called all hands on deck; and this deponent coming up with the rest of the seamen, when he saw a number of armed men, with two or three muskets and clubs; that he saw those persons break open the arm-chest, and furnish themselves with cutlasses.

Soon after this, this deponent was knocked down with a club, and pitched into the hold; and in about a quarter of an hour, was called upon deck, where his arms were tied behind him, and shoved into a boat, which, with about six others, was laying alongside the schooner; that as soon as the deck was cleared of all the officers and sailors belonging to the *Gaspee*, and put into the boats, they were rowed to a small village, towards Providence, about three miles distant from the schooner, where they were landed.

This deponent further saith, that Lieutenant Dudingston was placed in the stern of the same boat, in which he, the deponent, came on shore; and that he, in their passage to the shore, contrived to unloose his arms, and took an oar from a negro man, at the bow of the boat, whom he verily believes to be the negro Aaron, now on board the *Lizard*, and helped him to row the boat; and that, to the best of his belief, it was about 3 or 4 o'clock in the morning, when he, with the captain and the others, were landed.

This deponent also saith, that he well remembers, that while the persons were attacking the sailors on board the schooner, he heard the name of Potter mentioned.

That one of the people said, "Potter, it is the best way to set the men on shore; for that it was not their fault, but the officers."

To which, a person, then standing on the quarter-deck, to whom the above expression was directed, who was a tall, slim man, with a long, sharp nose, in light colored long clothes, his hair tied behind, who looked more like a shoreman, than a seaman, answered, "Let it be so."

He also saith, that after he was landed, he saw the boats return towards the

schooner; and in about half an hour after, he saw the schooner on fire, and the guns blowing off; that it was cloudy and calm weather.

And this deponent further saith, that on the morning after the negro Aaron came on board the Beaver, at 8 o'clock, he saw him in irons, in the galley, and immediately recollected him as the same person whom he assisted to row the boat as above mentioned; but did not speak to him, but directly told one John Johnson, the boatswain of the schooner, that he well knew the negro was one of the persons who rowed the boat on shore with him.

That on the next day, Capt. Linzee, commander of the Beaver, gave directions to his boatswain to get some spun-yarn, to tie up the negro, and give him two or three dozen, to find out what he came on board for, or if he knew any thing concerning the burning the schooner; that he was stripped in order to be punished: upon which, the boatswain of the Gaspee then called out, "One of the men knew him to be one of the persons who rowed the captain on shore, and was concerned in burning the schooner."

Upon which, the captain asked which of the men knew him; that he called out to this deponent, and asked him if he knew any thing of the negro, and cautioned him to be careful in his answers.

That the negro was then ordered in irons again, and the deponent called into the cabin and ordered by the captain to describe the negro's dress when on board the boat, which he did, to wit:

A spotted or checked handkerchief round his head, a frock, a pair of long trowsers, no shoes, and his hair tied behind not longer than an inch, or an inch and a half.

Soon after, the captain sent for a justice from the town; which justice swore him, and he confirmed the above account he had given under oath, relative to the negro.

The deponent first saw the schooner on fire about breakfast time, which was about 6 o'clock, when he was ashore, when he heard the guns of the schooner blow off, but did not see her from the time he first left her, till he saw her on fire.

He sat along-side of the negro in the boat, from the time the boat put off from the schooner, until she struck the shore where he landed; and that while rowing ashore he was cold, and asked the negro to let him row to warm himself, which he did; and as they sat together, asked him, the negro, for a chew of tobacco, which he gave him.

And this deponent further saith, that he never saw the said negro, before he saw him in the boat.

his
PATRICK \surd EARLE.
mark.

Sworn to, at Newport, on the 16th day of January, A. D. 1773, before—

J. WANTON, FRED. SMYTHE,
DAN. HORSMAN DEN, PETER OLIVER.
ROBT. AUCHMUTY,

A letter was delivered to the commissioners, by the admiral's clerk, at about half past 11 o'clock, from Admiral Montagu, which was ordered to be filed.

Admiral Montagu to the Commissioners, &c.

His Majesty's ship *Lizard*, Newport, harbor,)
16th January, 1773.)

Gentlemen:—As I am informed there is a ship bound to England, I shall embrace the opportunity of writing to my lords commissioners of the admiralty, acquainting them of my proceedings; as also of the improbability of my remaining here, to assist the commissioners, until I can come in a proper manner, and at a proper season of the year.

I shall be glad if you will inform me, whether you think the presence of Captain Dudingston is necessary, that I may apply to their lordships for his being sent out as soon as convenient.

As the business of the naval department is totally at a stand, and cannot be carried on, without I have my ships here, I propose returning to Boston on Wednesday next, and shall, at a convenient time of the year repair to this place again, agreeably to my instructions from their lordships.

In the meantime, I shall take care to leave such orders with the senior officer of His Majesty's ships, as will answer every purpose of my staying.

I shall, before I go, lay before you, the names of some persons who can give you information, relative to the assembling of the people concerned in burning the King's schooner.

I must beg your answer, as I cannot close my letter to the admiralty until I receive it.

I am, gentlemen,

Your most obedient, humble servant,

J. MONTAGU.

To His Majesty's commissioners, assembled at Newport.

John Andrew, Esq., judge of the court of vice admiralty, within the colony of Rhode Island; Mr. Arthur Fenner, clerk in the supreme court, in the county of Providence; Messrs. John Cole, George Brown and Daniel Hitchcock, attorneys at law, in the town of Providence; James Sabin, vintner, in the town of Providence.

It is the desire of Admiral Montagu, that the above named persons may be summoned, and examined before the commissioners, relative to the assembling of people in the town of Providence, in the evening of the 9th of June last, as a measure necessary, towards the discovery of the persons concerned in the burning of His Majesty's schooner, the *Gaspee*.

J. MONTAGU.

The commissioners immediately agreed to an answer, as well to this letter, as to the letter received from the admiral, on the 14th inst., in the following words :

The Commissioners, &c., to Admiral Montagu.

Council Chamber, Newport, }
January 16, 1773. }

Sir:—Yours, of the 14th instant, we should have answered yesterday, but the weather was so extremely bad, as to prevent the commissioners from meeting.

You remark to us your coming here at a very unseasonable time, and not in the manner as you are directed by your instructions; to which, you are sensible we are not utter strangers, nor was it our intention in writing to you, to infringe in the least, upon the same.

As we have already informed you how our instructions are worded, we omit a repetition of the same; but beg leave to refer you to the last paragraph in the commission, by which you will perceive that we are expressly charged to conduct ourselves by such instructions as we should receive under the signet and sign manual, and agreeably to which, we have acted.

We have no doubt but that Capt. Keeler would have punctually obeyed your orders. The difficulty did not arise on that head, but from a conviction of the irregularity of departing from our instructions.

We shall be much obliged to you, when convenient, if you would attend us as a board, having some questions to ask you, relative to the information Lieutenant Dudingston gave you, concerning the burning and destroying the Gaspee.

We are, sir, with great respect,

Your most humble and obedient servants,

J. WANTON, FRED. SMYTHE,
DAN. HORSMAN DEN, PETER OLIVER,
ROBT. AUCHMUTY,

Commissioners.

To the Honorable Admiral Montagu, commander in chief
of His Majesty's ships, &c., in North America.

The Commissioners, &c., to Admiral Montagu.

Council Chamber, Newport, }
January 16, 1773. }

Sir:—After repeatedly informing you of our instructions; and also in our last, of a certain paragraph in our commission, copies of both which you have, and our sense of the same, we submit the construction of your orders from the lords commissioners of the admiralty, entirely to you.

In our last, and before we received yours of this day, we had desired your attendance, in order to give us an account of what Lieutenant Dudingston had related to you, concerning the burning and destroying the Gaspee.

He then clenched upon this deponent again, thrust him into the cabin, jammed the companion leaf upon his head, knocked him down upon a chest in said cabin, and confined him there for a considerable time.

After this, the deponent entreating the said Dundas to let him free, he did so and made a seizure of said vessel and cargo (as he said), and put the letter "B" upon her hatches; then towed said sloop to said schooner (it being calm), with three boats.

This deponent being commanded aboard the schooner, aforesaid, obeyed; went before said Lieutenant Dudingston, and after some conversation, was ordered from his presence, and confined in the gangway.

This deponent asked said Dudingston, if he had a commission to seize, &c.

To which, said Dudingston answered, that he had a good commission from His Majesty; but showed none.

The next day, this deponent was put on board another vessel; and further saith not.

RUFUS GREENE, JR.

Kent, ss.

East Greenwich, January 14, 1773.

Personally appeared the above deponent, Rufus Greene, Jr.; and being cautioned to speak the truth, made solemn oath upon the evangelists of Almighty God, that the before going narrative is true in all its parts.

Coram,

HOPKINS COOKE,

Justice Peace.

I do hereby certify, that the above deponent is of a respectable family, sober life, and ought to be credited.

H. COOKE,

Justice Peace.

*Deputy Governor Sessions to Governor Wanton, relative to
Capt. William Thayer, and Saul Ramsdale.*

Providence, January 15, 1773.

Sr :—This forenoon came to my house, Capt. William Thayer, of Mendon, and informed me that he had been cited by the honorable commissioners at Newport, to appear before them this day, and declare what he knew relative to the destruction of the Gaspee.

He tells me he is near seventy years of age, grievously afflicted with the rheumatism, attended with many symptoms of a paralysis; and that riding yesterday in the cold, stormy weather, has revived and so much increased his disorder, that he was unable to proceed to Newport, but must endeavor to return home as soon as possible; besides, he declared he knew nothing of the affair for which he was summoned and solicited me very much to take his examination, and transmit it to the commissioners.

I at last yielded to his request, and have enclosed to Your Honors his deposition which, if you think proper, may be laid before the commissioners.

I have known Mr. Thayer for many years past, and have always understood that he was a man of good character. He says, if the gentlemen who cited him, had any idea of the villainy of the fellows who informed them, neither he, nor any one else, he believes, had been troubled by them.

And this evening, another person (one Ramsdale) came to me, who said he also was summoned to Newport, upon some occasion, and that he knew nothing respecting the matter for which he was cited; and urged me very much to take his deposition to that purpose, that he might be dismissed; but as he appeared to be a young, healthy man, and lest the commissioners might conceive I was too officious, in previously examining their witnesses, I advised him to deliver what he had to say, to the commissioners.

I am, sir, with the greatest respect,

Your Honor's most obedient and humble servant.

DARIUS SESSIONS.

To Governor Wanton.

P. S. Since I wrote the above, I received a deposition from Greenwich, which I have also enclosed to Your Honors.

Deposition of Capt. William Thayer, of Mendon.

COLONY OF RHODE ISLAND, &c. :

The examination of Capt. William Thayer, of Mendon, in the county of Worcester, in the Province of Massachusetts Bay, innholder, taken in Providence, in the colony aforesaid, this 15th day of January, in the thirteenth year of His Majesty's reign, Anno Domini 1773, by Darius Sessions, Deputy Governor of said colony.

Question—Do you know any circumstances relative to the attacking, taking, plundering and burning His Majesty's schooner, called the Gaspee, and to the assembling, arming, training, and leading on the people concerned therein; and to the concerting and preparing said attack?

Answer—No.

Q.—Where was you, when said schooner was destroyed, which was on the 10th day of June last?

A.—At home, in Mendon.

Q.—How far is that from Providence?

A.—About twenty-two miles.

Q.—How long a time after the schooner was destroyed, before you was in Providence?

A.—I was not there until the latter end of June, or the beginning of July.

Q.—Did you hear any person say, when you was in Providence, or at any other time or place, that they knew any of those persons that were concerned in that affair?

A.—No.

Q.—Did you ever hear the names of any persons suspected to be concerned in that matter?

A.—I heard the names of one Potter and Brown or Browns, but did not know them, nor where they lived. I don't recollect any other.

Q.—Do you remember who mentioned those names?

A.—No; it being only some rumor which I heard among the people in my house, it being a public one.

WILLIAM THAYER.

On the day and year abovesaid, William Thayer, the subscriber to the above examination, made solemn oath to the truth of the several answers annexed to the foregoing interrogations, before—

DARIUS SESSIONS,

Deputy Governor.

Deposition of Daniel Vaughan.

I, Daniel Vaughan, of Newport, in the colony of Rhode Island, being of lawful age, do depose and say :

That some time in the summer last past, being in a sloop, taking out some old iron from the wreck of the Gaspee, and afterwards going down to Newport, in said sloop, in company with Capt. Linzee, in His Majesty's ship, the Beaver, one morning, not far from the island of Prudence, I saw a small boat alongside the Beaver, and immediately told the people on board the sloop, that somebody had gone on board the Beaver that night.

A few days afterwards, as the Beaver lay at Newport, near the fort, I was ordered to haul the sloop I was in, alongside the schooner, which then lay alongside the Beaver, in order to take out some sugar; and going on board the Beaver, I saw a mulatto fellow under the fore-castle, in irons.

I said unto him, "So you are one of the rogues that have been burning the Gaspee."

He replied, "He never saw her, nor knew any thing about her."

I then asked him what he came there for.

He answered, "His master had used him badly, and he was determined to leave him."

Two or three days afterwards, being on board said schooner, I heard Capt. Linzee order said mulatto to be carried out of the Beaver, on board said schooner, and then to be tied up to the mast and whipped; and after he was laid hold on, and they were about to tie him up to the mast, he began to declare he knew some of the people that burnt the Gaspee; and that Simeon Potter, John Brown and others (whose names I have forgotten), were concerned therein.

Upon this confession, he was released from a whipping, sent on board the Beaver, where I afterwards saw him in irons, on the quarter deck.

DANIEL VAUGHAN.

Providence sc.

Providence, January 16, 1773.

Daniel Vaughan appeared in person, and made solemn oath to the truth of the foregoing declaration, unto which he has subscribed, before—

DARIUS SESSIONS,

Deputy Governor.

The commissioners then adjourned the business of the commission to Monday morning, at 10 o'clock.

Monday, January 18.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., and Robert Auchmuty, Esq.

The Hon. Admiral Montagu waited upon the commissioners, agreeably to his message of Saturday last.

The admiral laid before the commissioners, letters which he had received from Lieutenant Dudingston, during his residence at Pawtuxet and Newport, after the destroying of the schooner Gaspee.

The admiral also delivered to the commissioners, a list of persons who reside in Providence, as material witnesses, relative to the assembling of the people, prior to the attacking the Gaspee; in consequence of which, they ordered a summons to be issued for John Andrews, Esq., John Cole, Esq., Daniel Hitchcock, Esq. and George Brown, attorneys at law, and Arthur Fenner and James Sabin, to attend on Wednesday next, at 11 o'clock, which was issued accordingly.

The summonses were delivered to Samuel Clarke, who was sent as express, by the commissioners, at twenty minutes after 3 o'clock.

Deputy Governor Sessions to Governor Wanton, relative to Barzillai Richmond, Joseph Brown, John Brown and Daniel Vaughan.

Providence, January 18, 1773.

Sir:—In consequence of an application made unto me, in writing, signed by Barzillai Richmond, Joseph Brown and John Brown, I summoned Daniel Vaughan, and took his deposition relative to what he knew respecting the treatment of the mulatto Aaron, on board the Beaver, and I herewith enclose it to Your Honor.

I had not done it, but our river is fast shut up, and it is very uncertain when Mr. Vaughan will reach Newport.

I choose Mr. Vaughan should give his deposition before the commissioners, if he arrives in season for that purpose; but if he doth not, and you think proper to make use of what I now send, you have liberty to improve it in any way you think it may promote truth and justice.

I am, sir, your humble servant,

DARIUS SESSIONS.

To Governor Wanton.

*Deputy Governor Sessions to Governor Wanton, relative to the
Deposition of the Negro Aaron Briggs, &c.*

Providence, January 18th. 1773.

Sir:—Having been informed by a person, who came from Newport last Saturday, that the mulatto had been examined, and that a report prevailed, that his evidence carried many marks of truth with it; and as it is impossible (as I think.) that there can be a word of truth in it, and as I look upon it as my duty to protect the innocent, as well as punish the guilty, I thought it my duty to let Your Honor know of some circumstances that may throw some light on this affair.

I took notice in the mulatto's declaration of his having a red and white handkerchief about his head at the time he was on board the Gaspee, and when he rowed the boat ashore.

I suppose he was told to relate this circumstance, that some of the Gaspee's people might, with the greater appearance of truth, swear to his being on board the schooner that night.

The day after the Gaspee was destroyed, I examined several of her people, viz.: Bartholomew Cheever, John Johnson, William J. Caple, Joseph Bowman, Patrick Whaler, Patriek Earle and Patrick Reynolds; who, although the questions and answers were not set down in writing, yet I can depose that they were put verbally. The answers given by some of them (the rest agreeing thereto), are as follows, viz.:

Question—Was the moon down?

Answer—Yes.

Q.—Was it dark?

A.—Yes.

Q.—Was there any light on board of the schooner, when she was boarded by the boats?

A.—Yes; but it was immediately put out before we got on deck.

Q.—Was there no other light afterwards struck up?

A.—Not that they saw: though they believe there was one lighted up in the cabin, to dress the lieutenant's wounds.

Q.—Were the people who came on board unmasked, or in disguise?

A.—Some of them were either blacked or negroes; but it was so dark, we could not tell which.

The above questions put to any of the Gaspee's people, who pretend to establish the negro's evidence, by swearing to the identity of him, I think, must convince any one, that their testimony is absolutely false.

The midshipman at Boston, swore that it was a very dark night; and how is it possible that the features and dress of a negro could be sworn to, a month afterwards?

I am requested by some persons in this town, to inform Your Honor, that one David James, a young man, who served his time in this town, and is properly an inhabitant thereof, was last week impressed out of a sloop belonging here, Joseph Tillinghast, master, and carried on board the schooner Halifax.

The young man was born in ———, in Virginia, where he had left him, by his father, some estate in land; which, by several letters of a late date from his brother, and his guardian, appears to be sold, and that the moneuy thereof, will be sent to him

very soon, by a schooner, that is now gone there. I have seen the letters myself, this day, and make no doubt but they are genuine.

If Your Honor will interpose so far as to use your endeavors to get him discharged, you will do a singular favor to the young man, and to his acquaintances here. If he remains in confinement, there will be nobody to take care of his money or goods that may be sent him from his patrimony, which will be his total ruin.

I am, sir, your most obedient and humble servant,

DARIUS SESSIONS.

To Governor Wanton.

The commissioners adjourned till to-morrow, at 10 o'clock.

Tuesday, January 19.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., and Robert Auchmuty, Esq.

Peter May attended the commissioners, pursuant to summons, and was examined upon oath; which examination was reduced to writing, and ordered to be filed.

Deposition of Peter May.

The examination of Peter May, taken upon oath, this 19th day of January, A. D. 1773:

Peter May, of lawful age, being duly sworn, deposed and saith:

That he was late a mariner on board His Majesty's schooner Gaspee; and that some time last summer, as they were going in said schooner, towards Providence, about 2 or 3 o'clock, in the afternoon, they struck aground, upon a point of land, about a musket shot from the land; that she lay so dry, that they walked around her, and scraped her bottom, the water being about one foot on one side, and about two feet on the other.

That they got an anchor out, and endeavored to get her off; but after striving till sunset, they desisted from any further attempts; all but the watch, which consisted of three, were ordered by Lieutenant Dudingston, to go to sleep.

That between 12 and 1 o'clock, the schooner was attacked by a number of boats with people on board, armed some with clubs, some with other weapons.

That this deponent was below at the time the people boarded the schooner; and when he came upon deck, he saw Lieutenant Dudingston discharge a pistol; but whether it wounded anybody, he cannot tell; immediately after, he saw a man in the bow of one of the boats fire a musket, and wound the lieutenant; upon which, the lieutenant cried out, "Lord, have mercy upon me; I am done for!"

That immediately after this, the deponent was knocked down the hatchway, and

recovering himself, went into the steerage, in order to get some clothes, and from thence stepped into the cabin, and there heard the lieutenant desire the people not to haul and pull him about, as they did, but to assist him; on which, they said they had no doctors, but would send him, as soon as they could, to a place where they could get one.

He soon after, when the lieutenant was on deck, heard several people ask him whether he would make amends for the ruin which he had seized out of the sloop; and if he would, they would return him the schooner; one of which people, was named Greene, whom he saw in the cabin of the Gaspee, the day after they had seized a sloop, of which he appeared to be the owner, and out of which, he took some rakes.

This deponent saith, that the said Greene is a tall, slender man; wearing his own hair, of a brown color.

This deponent further saith, that after they had taken possession of the Gaspee, the hands belonging to the Gaspee, were put into a boat, and rowed ashore at a place about a mile distant, between 3 and 4 o'clock, in the morning, and that he saw the schooner on fire when they were about half way to the shore, and the fire began upon the quarter deck. And further this deponent saith not.

his
PETER X MAY.
mark.

Sworn to, at Newport, on the 19th day of January, A. D. 1773, at the council chamber, Newport, before—

J. WANTON.	FRED. SMYTHE,
DAN. HORSMANDEN,	PETER OLIVER,
ROBT. AUCHMUTY,	

Robert Masters, who was also summoned, appeared, and upon examination on oath, there appearing nothing material in his testimony, he was discharged, without making any deposition.

The commissioners received a letter from Admiral Montagu, which was read, and ordered to be filed.

An answer was immediately ordered; which was accordingly written in the following words, and delivered to the admiral, by ———.

Admiral Montagu to the Commissioners, &c.

Newport, 19th January, 1773.

Gentlemen:—As an opportunity offers, for sending to England, I am willing to embrace it, to inform my lords commissioners of the admiralty of my arrival and proceedings at this place.

As you were pleased to signify to me your intention of writing upon the subject

of adjourning your court. I shall be glad to receive it as soon as possible, that I may close my public letters, as I propose leaving this place to-morrow morning.

I am, with respect, gentlemen,

Your most obedient, and most humble servant,

J. MONTAGU.

To His Majesty's commissioners, &c., at Newport.

The Commissioners, &c., to Admiral Montagu.

Council Chamber, Newport, }
January 19th, 1773. }

Sir:—In our last conversation with you, you were pleased to inform us that by report, Capt. Dudingston had made such declarations at Boston, relative to his recollection of the persons concerned in the destruction of the Gaspee, that his testimony would be very material in our present inquiry; and from the language of Mr. Dudingston's letter to you, which you laid before us, we must be of the same opinion, as it is our determined resolution to do all in our power faithfully to execute the commission His Majesty has thought fit to honor us with. We must request of you to take such measures as you think proper, to get Capt. Dudingston to America, in order that he may be examined.

In the same conversation, you also informed us, that at this inclement season of the year, it was impossible for you properly to execute your orders relative to the affair we are now met on, and that the other duties of your department must suffer if you did not very soon return to Boston; and and therefore it was your determination to go thither to-morrow, or next day, if possible.

Your absence from us, you are sensible, as we construe our instructions, and as we yesterday informed you, must make an adjournment of this board necessary. Indeed, without this difficulty, it is highly probable we should soon find ourselves under a necessity of adopting the same measure, for the want of Capt. Dudingston, and from the extreme rigor of the season, which renders it almost impossible to get witnesses who are at any distance from us.

We are, with the greatest respect,

Your most obedient humble servants,

J. WANTON,

FRED. SMYTHE,

DAN. HORSMANDEN,

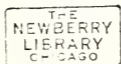
PETER OLIVER,

ROBT. AUCHMUTY,

Commissioners.

To the Honorable Admiral Montagu, commander in chief
of His Majesty's ships, &c., in North America.

P. S. Though the time to which the commissioners will adjourn, is not absolutely fixed, yet it seems to be their opinion, that it must be on or about the 26th of May next; which, they hope, will be agreeable to you.



The commissioners also received another letter from the admiral, enclosing the deposition of Aaron Briggs, taken the — day of —, which was ordered to be filed.

[According to the preceding journal of the commissioners, two or three letters, which passed between them and the admiral, are wanting, to complete the file of their correspondence. During their session, they examined several witnesses, and held correspondence with several others.]

Arthur Fenner to Governor Wanton, relative to the Gaspee.

Providence, January 19, 1773.

Honorable Sir :—I received a citation, signed by you, and a number of other gentlemen, commanding my attendance at the colony house, in Newport, on the 20th day of January instant, to give in evidence to what I know relative to the attacking, taking and plundering His Majesty's schooner, called the Gaspee, &c.

In consequence of which, I now inform you, that I am a man of seventy-four years of age, and very infirm; and at the time said schooner was taken and plundered, I was in my bed, and I knew nothing of it until the next day; and as for my not attending, as commanded, I must plead my age and infirmity in excuse.

From your most obedient friend and humble servant.

ARTHUR FENNER.

To the Honorable Joseph Wanton, Esq.

James Sabin to the Commissioners, &c.

Providence, January 19th, 1773.

To the honorable the commissioners appointed to inquire into the circumstances relative to the destroying the schooner Gaspee.

Gentlemen :—I now address you, on account of a summons I received from you, requiring my attendance at the council chamber, in Newport, on Wednesday, 20th instant.

Now, gentlemen, I beg leave to acquaint you, what renders me incapable of attending. In the first place, I am an insolvent debtor; and therefore, my person would be subject to an arrest by some one or other of my creditors; and my health has been on decline these two months past, and it would be dangerous should I leave my house.

And further, were I to attend, I could give no information relative to the assembling, arming, training and leading on the people concerned in destroying the schooner Gaspee.

On the 9th day of June last, at night, I was employed at my house, attending company; who were John Andrew, Esq., judge of the court of vice admiralty, John Cole, Esq., Mr. Hitchcock and George Brown, who supped at my house and stayed

there until two of the clock, in the morning following; and I have not any knowledge relative to the matter on which I am summoned; which I am ready to make oath to, before any justice of the peace.

I am, gentlemen, most respectfully,

Your most humble servant,

JAMES SABIN.

To the Honorable Commissioners.

The commissioners adjourned till to-morrow, at 10 o'clock.

Wednesday, January 20.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horstmanden, Esq., Frederick Smythe, Esq., Peter Oliver, Esq., Robert Auchmuty, Esq.

The commissioners directed copies of the several letters which have passed between them and Admiral Montagu, to be made out, in order to be transmitted to the Earl of Dartmouth.

George Brown, to the Commissioners, &c.

East Greenwich, January 20th, 1773.

May it please Your Honors:—Late last night, I received a summons from Providence, to appear at the council chamber, in Newport, before Your Honors, there to give evidence of what I know concerning the burning of the schooner Gaspee; and I should have waited on Your Honors, accordingly; but, as the court of common pleas was then sitting in the county of Kent, and being concerned in several cases then pending in said court, I could not possibly attend according to summons; therefore, I hope you will excuse my not attending.

It has long been a custom for the attorneys, upon the concluding evening of filing pleas to the court, to meet together, to spend the evening.

That night, the said schooner was burnt, happened to be the concluding evening of filing pleas; accordingly, the gentlemen of the bar, together with myself, met at the house of James Sabin, in Providence, that being a public house of entertainment.

Some time after, I being there, heard a drum beat; I asked the reason of said drum beating; I was answered by some one of the company, that there was a number of boys met together, they supposed, to divert themselves.

I knowing it to be no uncommon thing, thought no more about it; and do solemnly declare, that I have no knowledge, directly or indirectly, of any plot being

laid, or person concerned in perpetrating so vile a crime, and shall be ready at all times, when in my power, to appear and answer any question relating to said affair, if required. I am, gentlemen,

Your Honors' most obedient and humble servant.

G. BROWN.

To the Honorable Commissioners.

John Andrews, to the Commissioners, &c.

Providence, January 20, 1773.

Gentlemen:—I this day received a summons at 12 o'clock, requesting my attendance at 11 o'clock, this day, at the court house, in Newport, in order to give evidence before Your Honors to that knowledge I have, relating to the burning and destroying His Majesty's schooner, called the Gaspee; and to the assembling, arming, training and leading the people concerned therein.

I should have cheerfully obeyed said summons, had my health permitted; but I have been confined for a week past, with a swelling in my hand, which hath rendered me unable to stir out of doors.

But as soon as I am able, I shall wait upon Your Honors, and inform you of all I know, relating to that matter, which Your Honors will judge just nothing at all to the purpose.

I am, with great regard,

Your Honors' most obedient and most humble servant,

JOHN ANDREWS.

To the Honorable Commissioners.

P. S. I have judged proper to inform Your Honors of all particulars of knowledge I have, relating to the burning His Majesty's schooner, called the Gaspee, in the Narragansett River.

I was in Providence town the evening before the mischief was done, and in company with a number of gentlemen; I heard a disturbance in the street, and inquired into the cause, and was answered that it had been a training day, and they were breaking up their frolic; and I heard nothing further that evening, relative thereto, but went to bed; and nigh morning, was surprised with the news of the said schooner's being burned and destroyed.

I then waited upon the Deputy Governor immediately; and he, with me, repaired to the spot, where we found Mr. Dudingston badly wounded, and the said schooner appeared at a distance to be on fire, and burned down to the water.

And the Deputy Governor inquired of Mr. Dudingston if he had any knowledge of any of the trespassers.

And he made answer, that he should give no account about the matter, before he was brought before the court martial, where he expected his trial; but was willing that his people should declare all they knew of the matter; and were sworn before the Deputy Governor, accordingly.

I ——— Mr. Dudingston afterwards, and desired him, if he had any knowledge of any of the persons who did the mischief, he would inform me thereof,

that they may be brought to condign punishment ; but always declined saying anything at all.

And this is the substance of the knowledge I have of the matter ; which I am ready to swear to.

JOHN ANDREWS.

To the Honorable Commissioners.

Daniel Hitchcock to the Commissioners, &c.

East Greenwich, January 20. 1773.

May it please Your Honors :—Late last night, I had a citation from Providence, to appear before you, this day, at 11 o'clock, in the forenoon, to give evidence with regard to the burning the schooner Gaspee.

And as I detest all such open violations of the law, should have been willing to have waited upon Your Honors, to let you know every thing within the compass of my knowledge relative to that matter, had not my engagements at Kent court, in this place, absolutely forbid my attendance ; and therefore, hope Your Honors will pardon me, on that account : but every thing I know, touching that matter, I am ready to relate.

It has been, may it please Your Honors, a long custom in this colony, for the attorneys at the concluding of filing of pleas for court, to meet some where together, and spend the evening ; that night the schooner was burnt, happened to be the concluding evening.

We met at Mr. Sabins's, by ourselves ; and about 8 o'clock, I went to the door, or, finally, kitchen, and saw a number of people in the street, but paid no attention to them, as that place was a place of public resort.

Some time after 9 o'clock, I heard a drum beat, and was asked by somebody in the room, what was the occasion of the beating of that drum ; and it was answered by somebody, that it was beat by some boys, which quieted all further inquiry by me ; neither did I imagine that anything of that nature was about being perpetrated, till after it was in fact done.

This, may it please Your Honors, is every thing that I know, or has come to my knowledge, relative to that transaction, and which I am willing, on solemn oath, to state before any of the civil authority in Providence ; to which place, I shall in a day or two, return.

I am Your Honors's most obedient, humble servant,

D. HITCHCOCK.

To the Honorable Commissioners.

John Cole to the Commissioners, &c.

East Greenwich, January 20th, 1773.

May it please Your Honors :—Late last evening, I received by the way of Providence, a citation to appear before Your Honors, at 11 o'clock, this forenoon, to give evidence of what I know relative to the burning and destroying the schooner Gaspee.

A the court of common pleas is now sitting here, and a number of clients depending upon my assistance in their several cases, I hope Your Honors will dispense with

my attendance at the council chamber at the time appointed. I am disposed to give Your Honors all the information that has come to my knowledge concerning the affair, which is extremely small.

The evening preceding the burning of the Gaspee, I spent at Mr. James Sabins's tavern, in company with several gentlemen; about 7 or 8 o'clock, hearing a noise in the street, I pulled back the shutters of one of the windows next the street, and saw several people collected together, but did not know any of them: upon which, I made inquiry of the gentlemen in the room if they knew the occasion.

And was answered by some of the company, but by whom I cannot particularly recollect, that he hoped they were not designed for mischief.

To which, I replied, I believed not; if they were, they would not be so public.

Some time afterward, a drum was beating along the street: upon which, I again opened the shutter, and saw three or four boys with a drum, and no other persons.

And this, may it please Your Honors, is all I know, relative to this affair; and which I am ready to make oath to, before any of the civil authority in Providence, to which place I shall return to-morrow or next day.

I am, with all deference,

Your Honors's most obedient and most humble servant.

JOHN COLE.

To the Honorable Commissioners.

The commissioners adjourned till to-morrow, at 10 o'clock.

Thursday, January 21.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Frederick Smythe, Esq., Peter Oliver, Esq. and Robert Auchmuty, Esq.

Samuel Clarke, who was charged with the delivery of the several summonses issued by the commissioners, on the 18th inst., made return upon oath of his service thereof, which was ordered to be filed.

Samuel Clarke exhibited his account to the commissioners, for performing two journeys for them; one to Mendon, and the other to Providence; which amounted to —, and was paid by the commissioners.

The commissioners agreed to address the Earl of Dartmouth; whereupon, a letter was drafted in the following words:

The Commissioners, &c., to the Earl of Dartmouth.

Newport, Rhode Island,)
 January 21, 1773. }

My Lord:—In obedience to His Majesty's commands, signified to us, by Your Lordship's letter of the 14th of September last, we, with the utmost dispatch in our power, repaired to Newport, where, on the 5th day of January inst., His Majesty's commission, under the great seal of Great Britain, was delivered to us in the council chamber, at Newport, by Capt. Keeler, commander of His Majesty's ship, the *Mercury*, and the commanding officer in the naval department at this place: upon which, we immediately ordered the same to be publicly read and proclaimed; which was accordingly done, before a great concourse of people, who, on the occasion, behaved with great decency.

This being done, we proceeded, with all the dispatch in our power, to business: and found in the last clause in our commission, that in the execution and performance of the power and authority thereby given us, we are strictly charged and commanded carefully to observe and conform ourselves to such instructions as we should receive in writing, under the King's sign manual.

Whereupon, we applied ourselves to the careful examination of those instructions; in one of which, are the words, "To the end that they may accordingly be arrested and delivered to the custody of the commander in chief of our ships and vessels in North America, pursuant to such directions as we have thought fit to give for that purpose."

Being convinced that the above charge given us by His Majesty, in our commission, referring to the instructions under the sign manual, could not be dispensed with, we wrote to Rear Admiral Montagu, that we were fully of opinion that his attendance at Newport was necessary, in order if there should appear evidence against any person sufficient to arrest him upon, he must be delivered to the admiral, according to our instructions, from which we could not depart, notwithstanding Your Lordship's letter of the 4th of September last, to Governor Wanton, wherein you inform him that "such offenders as may have been, or shall be arrested and committed within the colony of Rhode Island, be delivered to the care and custody of Rear Admiral Montagu, or the commander in chief of His Majesty's ships in North America, for the time being, or to such officer as he shall appoint to receive them."

We here beg leave to assure Your Lordship, that we had not the least inclination to deviate from Your Lordship's letter, had we not been fully convinced that the express words of our commission, obliged us to do it.

Several letters passed between us and the admiral, on this subject; wherein we explained to him the necessity, according to our commission and instructions, of his being here in person.

Though we did not agree on this head, he thinking that, according to his instructions and Your Lordship's last mentioned letter, his presence was not at all necessary; yet he was polite enough to come to Newport on the 14th day of the month; and meeting us at the council chamber on the 18th inst., he informed us that he believed from the information he had received from others, Capt. Dudingston would be able to make such declaration relative to the business we are on, as wou'd prove very material; and at this inclement season of the year, it was impossible for him

properly to execute his orders from the lords commissioners of the admiralty, relative to the business we are now upon; also, that the other duties of his department, at this time, absolutely required his attendance at Boston, and therefore, in a very day he must return.

Taking all these matters into consideration, and the extreme rigor of the season, which renders it almost impossible to procure witnesses who are at any distance from us, without waiting a very unreasonable time for them, we thought an adjournment to May next, necessary for His Majesty's service; and accordingly notified Admiral Montagu that we should adjourn to on or about the 26th of that month, when he will undoubtedly be here.

Copies of the letters passing between the admiral and us, on these subjects, are herewith transmitted to Your Lordship.

We have proceeded to examine such witnesses as we could obtain; and also carefully to look into all papers which Governor Wanton has laid before us, relative to the conduct of the magistrates of this government, in the business we are upon; but find it totally impossible at present to make a report, not having all the evidence we have reason to expect. We therefore hope, for these reasons, that our omitting it, will not be disagreeable.

In short, we have hitherto, My Lord, exerted ourselves to our utmost abilities in the execution of our trust. His Majesty has been pleased to honor us with; and Your Lordship may rely on our future endeavors to discharge ourselves with that fidelity which the nature of so important a commission demands.

We are, with the utmost respect, My Lord,

Your Lordship's most obedient and most humble servants,

J. WANTON.	FRED. SMYTHE,
DAN. HORSMANDEX.	PETER OLIVER.
ROBT. AUCHMUTY.	

To the Earl of Dartmouth.

Joseph Wanton, Esq., Governor of the colony, made oath of what he knew respecting the Gaspee, &c.

Deposition of Joseph Wanton, Esq., Governor of Rhode Island.

Joseph Wanton, Esq., Governor of the English colony of Rhode Island, on oath declares and says:

That at an interview he had with Lieutenant Dudingston, late of the schooner Gaspee, he asked him whether he had any authority from the commissioners at Boston, or from Admiral Montagu.

To which, he replied, he had not; but received his authority from the lords of the admiralty; and that he was come into the colony of Rhode Island by virtue of that power, and no other, whatever.

The deponent then asked how long it was probable he should continue in the colony.

To which, he answered, at present he was in the colony; but how long he should continue, was uncertain.

And this deponent saith, that he does not remember that he hath since that time, seen the said Lieutenant Dudingston.

On, or about the 20th of March last, a complaint was transmitted to the deponent, by the Deputy Governor of the colony, signed by sundry persons, residing in and near the town of Providence, that an armed schooner was cruising in the Narragansett Bay, interrupting their legal commerce, by searching and unnecessarily detaining the freight boats, &c.; and therefore, requested the deponent to make such inquiry as was necessary, for obtaining information, whether the persons belonging to said schooner, were duly authorized to exercise that power, within the body of the colony.

Upon receiving the complaint, the deponent conceived it was his duty, in order to satisfy the complainants, and at the same time to give the persons complained of, an opportunity of exculpating themselves from the several charges and accusations which were exhibited against them, to pursue such measures as were prudent and legal; and thereupon, wrote a letter to the commanding officer of said schooner, advising him of the information the deponent had received, respecting his conduct, and proceedings, since his arrival within this colony, and requesting that he would produce his commission and authority.

This letter was answered by Lieutenant Dudingston; which, not being satisfactory, the deponent wrote him another letter, on the 23d of March.

In consequence whereof, Lieutenant Dudingston sent to the deponent, by one of his officers, whose name was Dundas, an order from the lords of the admiralty, for his commanding the schooner Gaspee; also, their letter to the commissioners at Boston, requiring them to give a deputation from the commissioners at Boston, directed to the said Dundas; all which, the deponent, after he had read and examined, returned to the said Dundas, who had the charge of them, without the least delay or interruption, whatever.

The deponent took this opportunity to remonstrate to the officer against the impropriety of Mr. Dudingston's proceedings, in sending a quantity of rum, he had seized in the county of Kent, within this colony, for illegal importation, to Boston, for trial; it being, in the deponent's opinion, repugnant to an act of Parliament, made and passed in the eighth year of His Majesty's reign, as there was a court of vice admiralty established within this colony; and that if he persevered in such measures, he must expect that a process would be issued against him.

A short time after this, another complaint was brought against Mr. Dudingston, by one Faulkner, of Portsmouth, in this colony, and proprietor of a certain island, called Gould Island, within the said colony, who alleged that the people belonging to said schooner Gaspee, had been upon said island, and committed a trespass and waste thereon, by cutting down thirty or more trees, and carrying the same from off said island.

The deponent recommended to the complainant to make application to said Dudingston, and demand such satisfaction as was adequate to the damage he had sustained, and if possible, to avoid a law suit, which, he said, he had been urged to commence.

After which, he was informed by said Faulkner, that Lieutenant Dudingston had paid him about fifteen dollars on account of the above named trespass and waste; with which he appeared satisfied.

On the 11th of June, the deponent received from Darius Sessions, Esq., of Providence, and Deputy Governor of the colony, an account of the destruction of His Majesty's schooner, the Gaspee; upon which, he immediately called together such of His Majesty's Council and members of the General Assembly as could be seasona-

bly notified, and communicated to them the disagreeable intelligence, who unanimously recommended a proclamation, with a proper reward, for discovering the offenders; which was thereupon issued, and sent into the several towns, within the colony.

Admiral Montagu, on the 8th of July, transmitted to the deponent the declaration of a mulatto lad, called Aaron, impeaching several persons therein named, with being concerned in burning the aforesaid schooner.

As this declaration was not made before any of the civil authority, either in this or any other colony, the deponent was of opinion, that it was highly necessary that Aaron should be taken into custody; and therefore directed one of the judges of the Superior Court, to issue his warrant for Aaron, that he might be legally examined; and as he was then in the care of Capt. Linzee, wrote him a letter, dated the 16th of July (which letter accompanied the warrant), requesting that he would deliver the said Aaron to the sheriff, that he might be examined respecting what he knew of attacking and burning the Gaspee.

But Capt. Linzee refused to deliver up the witness, and treated the letter and warrant with the highest contempt, as the deponent was informed by James Brenton, Esq., who waited upon Capt. Linzee, with the letter, at the deponent's request. If Aaron had any knowledge of burning the said schooner, it was out of the power of the deponent to obtain it, through the unjustifiable conduct of the said Capt. Linzee.

The deponent communicated to Admiral Montagu, in a letter, dated the 23d of July, the steps he had taken for obtaining Aaron's declaration, in full expectation that he would have given positive orders for the delivery of Aaron into the custody of the civil authority: especially, as the deponent had assured Capt. Linzee that after his examination, he should be returned on board the King's ship.

The deponent cited Mr. Samuel Thurston and Mr. Samuel Tompkins, of the island of Prudence, the gentlemen with whom Aaron had lived as an indentured servant, to give evidence of what they knew of the destruction of the Gaspee, &c.; and also two servants, who lived in the same house with Aaron, at the time the said schooner was burnt, who agreed in their several testimonies, that Aaron was a runaway, and could not, for the reasons given in their depositions, have any knowledge of that transaction: copies of which testimonies, the deponent transmitted to Admiral Montagu.

This deponent further declares, that the several letters and papers he has delivered to the commissioners, contain a full and particular account of all the knowledge he hath of the destruction of the said schooner Gaspee, and the measures which have been pursued for discovering the offenders.

J. WANTON.

To His Majesty's commissioners, at Rhode Island.

Sworn to, at Newport, on the 25th day of January, 1773, before us,—

FRED. SMYTHE,
PETER OLIVER,
ROBT. AUCHMUTY.

An adjournment being determined upon, Mr. Auchmuty and Mr. Oliver signified their intention of returning home, and took leave of the other commissioners, accordingly.

Friday, January 22.

The commissioners met, according to adjournment.

Present—Joseph Wanton, Esq., Daniel Horsmanden, Esq. and Frederick Smythe, Esq.

Samuel Clarke, who was charged with the service of summons on the 12th inst., for two persons at Mendon, made return upon oath of his service thereof, which was ordered to be filed.

The commissioners received a letter from Arthur Fenner, at Providence, excusing his attendance in obedience to a summons of the 18th.*

Also, a letter from James Sabin, excusing his attendance in obedience to a summons of the same date; which were ordered to be filed.

The commissioners adjourn all further proceedings, until the 26th day of May next, then to meet at Newport.

The commissioners accordingly adjourned to meet on the 26th day of May, 1773, at Newport. The journal of their proceedings, if any was kept, is not among the papers.

* See page 102. The letters of Arthur Fenner, James Sabin and others, addressed to the commissioners, excusing their non-attendance, not referred to in the journal of the proceedings of the commission, are inserted in their chronological order elsewhere in this pamphlet.

PROCEEDINGS OF THE COMMISSIONERS OF
INQUIRY, &c., CONTINUED.

To remove the difficulties between Admiral Montagu and the commissioners, relative to his personal attendance at Newport, the board of admiralty in England, dispatched him special orders, as follows :

The Lords of the Admiralty to Admiral Montagu, relative to his personal attendance upon the Commissioners, &c., at Newport.

By the Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland, &c.

Whereas, you represented to us, by your letter of the 19th of January last, from Rhode Island, as the season of the year was so far advanced as to render it hazardous for you to proceed thither with the ships under your command, agreeably to our instructions of the 7th of September last, you had given Capt. Keeler, of the Mercury, the senior officer of the King's ships at that island, to whom you had before dispatched His Majesty's commission for inquiring into the circumstances relative to the burning of the Gaspee schooner, orders to aid and assist the commissioners therein named, in the same manner as you should have done, had you been there ; but, as the said commission expressly directs the prisoners to be delivered to you, the commissioners did not choose to proceed to business until your arrival.

That, in consequence of receiving such information, you had proceeded thither by land, and had hoisted your flag on board the Lizzard ; and that the commissioners had examined some few persons.

And whereas, you further represented to us, by your said letter, that if you are obliged to attend the commissioners at Rhode Island, the naval business at Halifax and Boston will be greatly retarded, as it will be impossible for you to attend to those and your other duties ; and have therefore desired, the senior officer of His Majesty's ships at Rhode Island, who will, in your opinion, in every respect, answer the purposes there, as well as yourself, that you may receive our directions to remain at Boston, with your flag, unless there appears to be an absolute necessity for your being at Rhode Island.

And whereas, the Earl of Dartmouth, one of His Majesty's principal secretaries of state, to whom we sent an extract of so much of your letter, as related to this business, for His Majesty's information, hath, by his letter of the 20th instant, acquainted us that His Majesty is pleased to approve that the execution of His Maj-

esty's orders respecting the service at Rhode Island, should be entrusted to the senior captain of such of his ships of war as may, from time to time be stationed at that colony.

You are therefore, hereby required and directed to entrust the execution of His Majesty's said orders to such senior captain, accordingly.

Given under our hands, the 26th day of March, 1773.

SANDWICH,
J. BULLER,
LISBURNE.

By command of their lordships :

CHAS. STEPHENS.

To John Montagu, Esq., Rear Admiral of the Blue, and commander in chief of His Majesty's ships and vessels in North America, at Boston.

Previous to the reception of these orders, the following letters passed between the commissioners and the officers of the navy, stationed in New England :

Admiral Montagu to the Commissioners, &c.

Boston, 24th May, 1773.

Gentlemen :—As I understood you are soon to meet to proceed on business, I am to inform you, I have ordered to Capt. Keeler, of His Majesty's ship Mercury, William Dickinson, late midshipman of the Gaspee, and Bartholomew Cheever, one of her seamen, two evidences sent out of England, by the right honorable the lords commissioners of the admiralty.

As they were on board, when Captain Dudingston was wounded, these people (if the men called the head sheriff and captain can be found), can swear to their persons. You will be the best judges what use to make of them, when they appear before you.

I expect the Captain man-of-war will return from Halifax in ten days, when I shall lose no time in repairing to Rhode Island; but if, in the meantime, you should think my presence absolutely necessary, I will set out by land, although it will be attended with great inconvenience to me.

Capt. Keeler has my orders to give you every assistance in his power; and I doubt not but that he will faithfully execute them.

I am, gentlemen,

Your most obedient, humble servant,

J. MONTAGU.

To His Majesty's Commissioners, at Newport.

Capt. Robert Keeler to the Commissioners, &c.

His Majesty's ship Mercury, Rhode Island Harbor.)
 May 27, 1773.)

Sir:—Admiral Montagu finding the King's commissioners meeting at Newport, he has sent me an officer and one seaman, lately belonging to the Gaspee, and just arrived from England, to give information of the persons that were concerned in the burning of said schooner.

Likewise a letter, directed to His Majesty's commissioners at Rhode Island, with directions to me, to deliver to you, when sitting.

But, as I am detained on board, on account of a writ being issued out against me, I am to desire you will give me notice in writing, when you meet, that the letter may be sent by a proper officer; and of the time you choose to have the evidences on shore, to be examined.

I am, sir,

Your most obedient, humble servant,

R. KEELER.

To Hon. Joseph Wanton, Esq., president of His Majesty's
 commission, at Newport.

The Commissioners, &c., to Capt. Keeler.

Newport, May 27, 1773.

Sir:—Though there are three commissioners met at Newport, yet, as the other two gentlemen are daily expected, it is thought most conducive to His Majesty's service, not to proceed on business till they join us; at which time we shall acquaint you, when the witnesses you mention to us, may be examined, and Admiral Montagu's letter delivered, and in the interim, are,

Your most obedient, humble servants,

J. WANTON,

PETER OLIVER,

ROBT. AUCHMUTY,

Commissioners.

To Capt. Robert Keeler.

The Commissioners, &c., to Capt. Keeler.

Newport, May 31, 1773.

Sir:—The gentlemen commissioners are now arrived from the southward; therefore we are ready to receive Admiral Montagu's letter, mentioned in yours of the 27th inst.; and to-morrow morning shall also be ready to take the depositions of those witnesses you inform us are arrived from England.

The commissioners will attend such examination to-morrow morning, at 10 o'clock; and are,

Your most obedient and humble servants,

J. WANTON,

PETER OLIVER,

ROBT. AUCHMUTY,

Commissioners.

To Capt. Robert Keeler.

deck, as he supposed, gave the alarm that a number of boats were coming down the river.

Upon which, Lieutenant Dudingston went on deck, and hailed the boats, and ordered them to keep off, or he would fire into them; but, as they refused to keep off, we fired at them, and they returned the fire, whereby Lieutenant Dudingston was wounded in the left arm, and in the groin.

They then boarded us, and used us very ill, by beating and knocking down the people: and afterwards by tying them, and throwing them into their boats, the captain of the gang swearing he would give no quarters.

The captain of the gang ordered Lieutenant Dudingston on his knees, and to beg his life.

He said he could not, he was wounded.

Whereupon, the said captain answered, "D—n your blood, you are shot by your own people."

Then they took him into the cabin, where two men dressed his wounds; who, by their behavior, appeared to have some skill in surgery.

And this examine further saith: that while Lieutenant Dudingston's wounds were dressing, those two persons who assumed to be the head sheriff and the captain, demanded the papers belonging to the vessel, which he delivered by Lieutenant Dudingston's order to them: consisting of the lieutenant's commission from the lords of the admiralty; Admiral Montagu's instructions, letters, and other papers: and upon his particularizing those papers as he delivered them, they damned him, and told him they did not come there to receive any instructions from him, but would examine the papers at their leisure, which they put into their pockets, and then carried Lieutenant Dudingston on shore, about two miles from the schooner.

The examine after this continued on board said schooner about three quarters of an hour; and was told by the captain of the gang, that unless he quitted the schooner, he would throw him overboard; during this time, they continued plundering the schooner.

The examine was landed in one of their boats on the shore opposite to the schooner, where he remained some time; and that within an hour after he was landed, he saw the said schooner on fire; and it being then daylight, he saw three of their boats put off from the schooner, full of men: one of which, landed the people at Pawtuxet, and the other two, rowed towards Providence.

This examine further saith: that the schooner when she was burnt, lay about eight or ten miles, to the best of his judgment, from the north end of the island of Prudence: and that several negroes were on board the said schooner; and also rowed the boats which boarded the schooner; but he does not know their names; and he cannot recollect that he saw any of those negroes enter the cabin.

And he also saith, that he does not know the names of any of the persons who boarded and destroyed said schooner, or wounded Lieutenant Dudingston; but that the captain, who was called the captain of the gang, was a well set man, of a swarthy complexion, full face, hoarse voice, and wore a white cap, was well dressed, and appeared rather above the common rank of mankind; and that the greater part of those he saw on board the schooner, and in the cabin, were persons well dressed; many of them with ruffled shirts, and appeared as store-keepers, merchants or masters of vessels.

The person who was called the head sheriff, was a tall, genteel man, dressed in blue clothes, his hair tied behind, and had on a ruffled shirt.

One of the persons who acted as surgeon in dressing Lieutenant Dudingston's wounds, appeared to be about eighteen years of age, very much marked with the small pox; light brown hair, tied behind; about five feet, five or six inches high.

The other, was a very genteel man; appeared to be about twenty-two years of age; his hair tied behind, a thin person, and about five feet, eight or nine inches high.

This examinee further saith: that after he returned from Boston to Providence, a few days after the schooner was destroyed, the first described surgeon met him in one of the streets in Providence, and asked him whether he knew how Lieutenant Dudingston did; but the examinee did not know his name; and further saith not.

W. DICKINSON.

Sworn to, at Newport, on the day and year abovesaid, before—

J. WANTON,

FRED. SMYTHE,

DAN. HORSMANDEX,

PETER OLIVER,

Commissioners.

Deposition of Bartholomew Cheever.

The examination of Bartholomew Cheever, mariner, and late a seaman on board His Majesty's schooner, the Gaspee, taken on oath, at Newport, in the colony of Rhode Island, on the 1st day of June, 1773, who saith:

That on the 9th day of June last, the schooner Gaspee run aground, on her passage to Providence, on a point of land about two or three miles below a small town, and about five miles from the town of Providence.

That about three-quarters after 12 o'clock, the next morning, being the 10th of June, he was standing upon the quarter deck of said schooner, as a sentry; every other person belonging to said schooner, being below, he saw a number of boats coming towards said schooner, which he hailed, but no answer was returned; he then immediately gave notice to Lieutenant Dudingston and the midshipman, who instantly came upon deck.

The boats were again hailed, and the answer returned by some of the people in said boats was, "D—n your blood, we have you now!"

The captain ordered them to keep off; and told them if they did not, he would fire into them.

They answered, they did not care; they would be aboard directly.

The captain then ordered all hands on deck; but the people who were in the boats, boarded the schooner; and as they were entering said schooner, they shot the captain; and afterwards tied the people belonging to said schooner, and carried them on shore, nearly opposite to the schooner; they then broke open the arm-chest, and took possession of the small arms.

And after they had landed all the Gaspee's people, he saw the said schooner on fire; but he knoweth not the names of any of the persons who were concerned in destroying said schooner; and that those who acted as principals, were called the head sheriff and the captain; and one of them was called constable.

And this examinee further saith: that while he was attending upon Lieutenant

Dudington at a town called Pawtuxet, he saw two of the persons who were concerned in destroying said schooner; but did not know their names. his

BARTHOLOMEW \times CHEEVER.
mark.

Sworn to, at Newport, on the day and year, abovesaid, before—

J. WANTON,	FRED. SMYTHIE,
DAN. HORSMANDEN,	PETER OLIVER,
	Commissioners.

Deposition of John Cole.

The examination of John Cole, of Providence, in the colony of Rhode Island, Esq., taken on oath in Newport, in said colony, this 3d day of June, A. D. 1773, who saith:

That the evening preceding the burning the Gaspee, I spent at Mr. James Sabins's tavern, in Providence, abovesaid, in company with several gentlemen.

About 7 or 8 o'clock, hearing a noise in the street of said town, I pulled back the shutter of one of the windows next the street, and saw several men, about twelve, as I apprehend, but did know one of them, collected together. Upon which, I made inquiry of the gentlemen in the room, if they knew the occasion; and was answered by one of the company, but whom, I cannot particularly recollect, that he hoped they were not upon any design of mischief.

To which, I replied, "I believed not; if they were on such a design, they would not be so public."

Some short time after, I heard a drum beat in the street; upon which, I again opened the shutter, saw three or four boys passing along with the drum, and no other persons.

Between 11 and 12 o'clock, in the same evening, I left the said tavern; at which time, I found the street clear and still; I then observed, that I believed if any mischief was intended, they had thought better of it, and gone home.

Early in that evening, and before I first opened the shutter, I heard, but whether after I joined the company or in the street going to said tavern, I cannot recollect, that the Gaspee was then run on shore; neither do I remember the person giving me that information; I never heard any intimation of an intention to burn the Gaspee; nor do I know any person or persons concerned in that transaction, or ever heard who they were.

The place where the said Gaspee was burnt, was in the township of Warwick, in the county of Kent, in the colony of Rhode Island.

From the cove near Mr. Samuel Tompkins's house, to the place where the Gaspee schooner was burnt, is, according to the best judgment I can form, near, if not quite, four leagues; and further, this deponent saith not.

JOHN COLE.

Taken, and sworn to, at Newport, on the day and year before written, before—

J. WANTON,	FRED. SMYTHIE,
DAN. HORSMANDEN,	PETER OLIVER,
ROBT. AUCHMUTY,	

Commissioners.

Deposition of John Andrews.

The examination of John Andrews, Esq., of Cranston, in the colony of Rhode Island, taken on oath, at Newport, in said colony, on the 5th day of June, 1773, who declares and says:

That he was in the town of Providence the night that the schooner Gaspee was destroyed, at a tavern, where he spent the evening with a number of gentlemen; and after supper, he heard a drum beat in the street, and inquired into the cause thereof; and received for answer, that it had been training day, and the people were breaking up their frolic; about 12 o'clock, he repaired to his lodgings, it being very dark, and went to bed.

The next morning, the sun about half an hour high, was surprised with hearing some persons say to each other, that the said schooner was burnt; upon which, he opened the window, and saw on the other side of the street, two black fellows and one white man, talking together.

I inquired what was the matter; and received for an answer from the white man, that some people in the night had burnt the man-of-war schooner.

Upon which, he immediately dressed himself, and waited upon the Deputy Governor; and he informed him he had heard the news, and sent for his horse, in order to repair to the spot, and inquire of Capt. Dudingston and his people, and find, if possible, the persons that had done the mischief.

We procured a horse, as soon as possible, and went to Pawtuxet, where we found Mr. Dudingston badly wounded: and we saw the said schooner on shore, about a mile and a half distant, which appeared by the smoke, to be on fire, and burnt down almost to the water's edge.

The Deputy Governor, in his hearing, inquired of Mr. Dudingston, if he had any knowledge of the persons that committed this trespass.

He made answer, that he should render no account about the matter, until he appeared before a court martial, where he expected to be tried, if he survived his wounds, and such account might be made use of, to his advantage; but was willing that his people should be sworn; and had them called in, and cautioned them to swear to the truth.

He then, as His Majesty's commissary for the colony, conferred with Mr. Dudingston, concerning saving such guns and stores as could be saved, and agreed to save all that was possible to be saved, and procured a man to undertake the business.

And he likewise requested that his people might be taken care of, and sent on board His Majesty's sloop, called the Beaver, then at Newport, and procured a small vessel, to carry them on purpose.

He visited Mr. Dudingston, several times, and requested of him, if he had any knowledge of such persons as had done the mischief, that he would inform him thereof, that the persons might be brought to condign punishment; but he always declined saying anything in the affair.

And further, that early in the morning, after the said schooner was destroyed, he met with Daniel Jenckes, Esq., chief justice of the court of common pleas, in the county of Providence, who said that he had informed the Deputy Governor of what had happened the preceding night, respecting the Gaspee; and then urged that the

Deputy Governor and this examine, would repair immediately to Pawtuxet, and examine such of the Gaspee's men as could be found, while it was fresh in their memories, that the villains might be discovered, and not the whole colony blamed.

JOHN ANDREWS.

The foregoing examination was taken and sworn to, at Newport, on the day and year aforewritten, before—

J. WANTON,	PETER OLIVER,
DAN. HORSMANDEN,	ROBT. AUCHMUTY,
	Commissioners.

Deposition of Justice Helme.

The examination of James Helme, Esq., of South Kingstown, in the county of Kings county, and colony of Rhode Island, &c., taken on oath, at Newport, in said colony, this 5th day of June, A. D. 1773, who saith :

That in October following the burning the schooner Gaspee, the superior court of judicature, &c., for said colony, sat at East Greenwich, in the county of Kent, at which court I presided, being the eldest justice of the same, present.

Before the sitting of said court, I had heard of the said schooner's being burnt, and of Lieutenant Dudingston's being wounded. I did not give any charge to the grand jury at that court; nor is it usual in this colony to give either general or special charges to grand juries.

But before the meeting of said court, I informed my brethren, that if I presided at said court, I fully intended to give the affair of burning the said schooner and wounding the lieutenant, in charge to the jury; but having been nearly two months on the circuit, it entirely went out of my mind, when the grand jury was empannelled; and there being no business laid before said jury, they were soon dismissed. Immediately after, I recollected the omission of what I intended; and then mentioned to some of the other judges of the court, that I had entirely forgotten to give the business of destroying the Gaspee and wounding Lieutenant Dudingston, in charge to the grand jury, which I had designated; and further, this deponent saith not.

JAMES HELME.

Taken, and sworn to, at Newport, on the day and year first within written, before—

J. WANTON,	FRED. SMYTHE,
DAN. HORSMANDEN,	PETER OLIVER,
ROBT. AUCHMUTY,	

Commissioners.

Deposition of George Brown.

The examination of George Brown, of Providence, in the colony of Rhode Island, Esq., taken on oath, at Newport, in said colony, this 5th day of June, A. D. 1773, who saith :

That the evening preceding the burning of the schooner Gaspee, he, with several other gentlemen, met at the house of Mr. James Sabin, in Providence, aforesaid, it

being a public house, to spend the evening together. About 10 o'clock, as I suppose, I heard a drum beat in the street: I asked the reason of said drum beating; on which, some one of the company, but whom I do not recollect, answered, that there were some boys beating the drum, which was common for two or three years past, in summer evenings, in said town; it is also usual for the young people to assemble, to learn to beat a drum, and other military exercises.

Before sunset, that evening, I had heard that the said schooner was aground; but had not then the least suspicion that any mischief was intended to be done to said schooner, or any body on board of her: not having heard any intimation to that purpose.

And I further declare, that I have not any knowledge, directly or indirectly, of any plans being laid, to burn or otherwise destroy said schooner, or of any person concerned in so vile a crime, or wounding Lieutenant Dudingston.

Some time after I heard the drum, I had occasion to go to the door, when I plainly saw about ten or a dozen boys, with a drum; and am confident there was not at that time one man among them: nor had I, during that evening, any conception of any mischief intended.

The place where said schooner was burnt, is in the township of Warwick, in the county of Kent, in the colony of Rhode Island and Providence Plantations. From the dwelling house of Mr. Sannel Tompkins to the place where said schooner was burnt, is, according to my judgment, about nine miles; and further, this deponent saith not.

G. BROWN.

Taken, and sworn to, at Newport, on the day and year above written, before—

J. WANTON,	FRED. SMYTHIE,
DAN. HORSMANDEN,	PETER OLIVER,
ROBT. AUCHMUTY,	

Commissioners.

Deposition of Samuel Faulkner, relative to the Negro Aaron Briggs.

The examination of Samuel Faulkner, of Bristol, in the colony of Rhode Island, and laborer, taken upon oath, at Newport, the 11th day of June, 1773, who saith:

That he lived with Mr. Samuel Tompkins, of the island of Prudence, in said colony, from the 1st of April, 1772, to the last of July, following, and knoweth a negro fellow named Aaron, who lived with said Tompkins part of said time; and, as he understood, was an indented servant to said Tompkins.

That several persons came over from Bristol, to said island, and said that the Gaspee schooner was burnt two or three days before, which was the first time he heard of it.

That he never requested the said Aaron to go with him from Prudence to Bristol, in any part of the aforementioned time of his living with the said Samuel Tompkins, having then no occasion to go to Bristol.

That when the people of Bristol gave an account of the burning of said schooner, Aaron was present; and did not either at that time, or at any other time afterwards, discover that he had any knowledge of the destroying of said schooner.

That when the people from Bristol gave said account, they mentioned the par-

ticular night on which said schooner was burnt; and to the best of his recollection, Aaron milked the cows after sun-set that night, and was at home early the next morning; and therefore concluded that Aaron was at his master's house the whole of that night.

That he does not remember his telling the said Aaron he would ask his master to let him go with him to Bristol, in any part of the above mentioned time of his living with said Tompkins; but well remembers that the summer before, when he also lived with the said Tompkins, that he asked him once or twice to let Aaron go with him to Bristol.

That he never was in company with Aaron, when Mr. Potter, of Bristol, was present; but has been in Mr. Potter's rope-walk in Bristol, in company with Aaron; neither was he ever on a wharf in Bristol, with Aaron, nor at any time pointed out Mr. Potter to said Aaron; and he does not recollect that when he was in Mr. Potter's rope-walk, as aforesaid, that he told said Aaron whose it was; and that when they went to Bristol together the summer before the Gaspee was burnt, they landed on the shore.

That when Aaron ran away from his said master, he stole his small boat, which lay on the shore, and went away in her; and that when the people from Bristol brought the said news of the Gaspee's being burnt, she was then lying on the shore, with her seams much opened; that some time after this, and before Aaron stole her, she was repaired.

That he does not remember that the people from Bristol mentioned any persons' names of being concerned in destroying said schooner; and he does not know any of the persons who burnt said schooner.

And this examine further saith: that the said Aaron was looked upon by the people where he worked, as a person much addicted to lying.

SAMUEL FAULKNER.

Taken, and sworn to, at Newport, on the day and year, above mentioned, before—

J. WANTON,
FRED. SMYTHE,
ROBT. AUCHMUTY,

Commissioners.

Deposition of Darius Sessions, Deputy Governor.

Darius Sessions, Esq., of Providence, on oath declares and says:

That, in the month of March, A. D. 1772, or thereabouts, sundry of the principal inhabitants of the town of Providence, made application to the deponent, in writing, representing that there was, and had been for some time past, a schooner cruising in the Narragansett River, that disturbed all the vessels and boats that were passing therein, by chasing, firing at and searching them; and often treating the people aboard of them, with the most abusive language; and that the commander showed no commission, to support such proceedings.

They therefore, requested me to inform the Governor thereof, that if he knew not who he was, or if he had not been acquainted with his commission and authority, he would be pleased to make inquiry therein.

Soon after I received said writing, hearing that the Chief Justice was in the

court house, near by, I wrote a line on the back of said paper, and sent it to him, desiring his opinion in the affair: it was soon returned, with something written under mine, to this purpose, viz.: that it was his opinion, that for any person, whatever, to come into the colony, and in the body thereof, to exercise any authority by force of arms, or otherwise, without showing his commission to the Governor; and (if a custom house officer,) without being sworn into his office, was guilty of a trespass, if not piracy; all which proceedings, to the best of my remembrance, I afterwards sent to the Governor.

And to the best of his remembrance, the aforesaid complaint was signed by the following persons: JOHN BROWN, AMBROSE PAGE,
NATHAN ANGELL, DARIUS SESSIONS,
JOSEPH NIGHTINGALE, JAMES LOVETT,
JOB SMITH, NICHOLAS BROWN.
THOMAS GREENE,

Newport, June 12th, 1772.

Sworn to, before—

J. WANTON, Governor.

On the 7th of June, the commissioners requested the personal attendance of the justices of the Superior Court, of the colony.

The design of the commissioners, will appear in the following papers:

The Justices of the Superior Court of the Colony of Rhode Island, to the Commissioners, &c.

The honorable the commissioners, appointed by royal commission, for examining into the attacking and destroying His Majesty's armed schooner, the Gaspee, commanded by Lieutenant Dudingston, and wounding the said lieutenant, having laid before us, justices of the Superior Court of Judicature, court of assize, &c., within and throughout the colony of Rhode Island, two examinations of Aaron Briggs, two examinations of Patrick Earle, the examination of Peter May, the examination of William Dickinson, the deposition of Samuel Tompkins, Samuel Thurston; and of Somerset and Jack, indented servants, for our advisement thereon:

It appeareth to us, from our consideration had thereupon, that no particular person or persons are made mention of, as being concerned in that atrocious crime, except in the examination of Aaron Briggs, a negro; and of Peter May, one of the Gaspee's people.

The confession of the said Aaron, upon his first examination, was made in consequence of illegal threats from Capt. Linzee, of hanging him (the said Aaron) at the yard arm, if he would not discover who the persons were, that destroyed the Gaspee; and besides, most of the circumstances and facts related in both of his examinations, are contradictions repugnant to each other; and many of them, impossible in their nature.

It is evident from the depositions of Tompkins, Thurston and Aaron's two fellow servants, that he was at home the whole of that night on which the Gaspee was attacked: especially, as there was no boat on that part of the island, in which he could possibly pass the bay, in the manner by him described.

In short, another circumstance which renders the said Aaron's testimony extremely suspicious, is Capt. Linzee's absolutely refusing to deliver him up to be examined by one of the justices of the Superior Court, when legally demanded.

Peter May, in his deposition, mentions one person only by the name of Greene; whom, he says, he saw before, on board the Gaspee; but the family of Greene being very numerous in this colony, and the said Peter not giving the Christian name, or describing him in such a manner as he could be found out, it is impossible for us to know, at present, the person referred to.

Upon the whole, we are all of opinion, that the several matters and things contained in said depositions, do not induce a probable suspicion, that the persons mentioned therein, or either or any of them, are guilty of the crime, aforesaid.

It is, however, the fixed determination of the Superior Court to exert every legal effort in detecting and bringing to condign punishment, the persons concerned in destroying the schooner Gaspee.

And if the honorable commissioners are of a different sentiment, we should be glad to receive their opinion, for our better information. S. HOPKINS,

Chief Justice.

J. HELME,	} Assistant Justices.
M. BOWLER,	
J. C. BENNETT,	

To the Honorable His Majesty's Commissioners.
Rhode Island, June 11, 1773.

*The Commissioners, &c., to the Justices of the Superior Court
of Rhode Island.*

Newport, June 12, 1773.

Gentlemen:—We, the commissioners, appointed by His Majesty for inquiring into the attacking, plundering and burning His Majesty's schooner, called the Gaspee, and wounding the lieutenant, late commandant of said schooner, received your report on the examinations by us laid before you.

In the conclusion of the same report, you are pleased to say, if we differ from you in sentiment, you should be glad to receive our opinion, for your better information.

As by our instructions, we are required to lay before the civil magistrates all such informations as we shall receive; and as it is your proper office to judge and act thereupon, in such manner as you conceive most likely to answer the ends of public justice, therefore, we decline giving any sentiment or opinion in the matter; and are, with much respect, gentlemen,

Your most obedient, humble servants,

J. WANTON,	FRED. SMYTHE,
DAN. HORSMANDEN,	PETER OLIVER,
ROBT. AUCHMUTY,	

Commissioners.

To the Hon. Stephen Hopkins, Esq. and the three assistant justices.

The following request of Chief Justice Smythe, was thought worthy of preservation :

Chief Justice Smythe to the Commissioners, &c.

Newport, June 23d, 1773.

Gentlemen :—I desire the enclosed, may be inserted in the journal of our proceedings. I am sorry it is not in my power to meet you, this morning. As this minute contains only the plain facts, I hope there will be no objection to the request of—
Gentlemen, yours, most heartily.

FRED. SMYTHE.

To the commissioners, Gov. Wanton, Mr. Horsmanden and Mr. Auchmuty.

“ June 21.—Chief Justice Smythe requested the board that some particulars of an attack of an armed schooner, called the *St. John*, by the gunner of Fort George, in this colony, in consequence of an order signed by two magistrates, dated July, 1764, had been imparted to him on Saturday last; and conceiving that great irregularity, violence and disorder, accompanied that transaction, and might be considered as a leading cause to the destruction of the *Gaspee*, requested the board to take the affair into consideration, and receive such information as might be procured on the subject.

Whereupon, Gov. Wanton acquainted the board that his son was Deputy Governor of the colony at the time of the above transaction, and could fully explain the affair; that the said gunner of the fort was in town, and might be called upon; then the board agreed to take the matter into consideration to-morrow morning.

June 22.—The board being reminded by Mr. Smythe of his motion yesterday, produced the original order, signed by the magistrates; and inquiring if the Governor's son, or the gunner, had been applied to, for information on the subject.

Mr. Auchmuty proposed that the sense of the board should first be taken whether the affair should be at all inquired into, or not.

Whereupon, Gov. Wanton and Chief Justice Horsmanden were of opinion, that no notice whatever of the attack of the schooner *St. John*, ought to be taken by this board.

Mr. Smythe, on the contrary, was of opinion, that a strict inquiry ought to be made on the subject, and inserted in the report. Mr. Auchmuty doubted.”

The commissioners probably closed their labors on the 23d of June; on which the following letter, enclosing the report of their proceedings, was sent home :

The Commissioners &c., to Lord Dartmouth.

Newport, June 22, 1773.

My Lord :—So much time being necessarily spent in the business of His Majesty's royal commission, renders our return to our several colonies highly expedient,

and having executed the same to the utmost of our abilities, we beg leave to enclose to Your Lordship, a report thereon.

Your Lordship is very sensible that for the execution of the trust His Majesty hath been graciously pleased to honor us with, it was strictly necessary to have the assistance of secretaries, messengers to summon witnesses, or go express on the business, some constant attendants and stationery. No particular mode having yet been pointed out to us, for defraying these expenses by government, we have discharged the same, except the secretaries, Mr. Brenton and Clarke; but at this, our second meeting, we found one of those gentlemen sufficient for the same.

Mr. Oliver would have joined us in the report to His Majesty, if the duty of his office had not indispensably required him to take his leave of us a few days since.

My Lord, as we have used the utmost assiduity, and made the strongest possible efforts to the thorough accomplishment of the end and design of the commission; though not attended with that success most ardently wished for by all, yet we humbly hope His Majesty will be graciously pleased to accept of our services and endeavors therein, which will reflect the greatest honor on—

Your Lordship's most respectful, and most obedient humble servants,

J. WANTON,

FRED. SMYTHIE,

DAN. HORSMANDEN,

ROBT. AUCHMUTY,

Commissioners.

To the Earl of Dartmouth.

The Report of the Commissioners, &c., to the King.

— To the King's Most Excellent Majesty:

May it please Your Majesty:—In obedience to your royal commission and instructions, and from a due sense of the duty therein enjoined on us, we have used our utmost care and diligence for the purpose of inquiring into, and reporting to Your Majesty, all the circumstances relative to the attacking, plundering and burning the schooner Gaspee, wounding Lieutenant Dudingston, and all other matters in the same commission and instructions contained.

We now beg leave, most humbly, to report to Your Majesty, that on the earliest intelligence of Your Majesty's commands, we, with the utmost dispatch in our power, repaired to Newport, where, on the 5th of January last, Your Majesty's royal commission was published in the presence of a large number of people; who, on the occasion, behaved with great propriety.

We next proceeded to give public notice of the subject matter of the commission, and our being assembled for the execution thereof; requesting all persons who could give us any information relative to such matters, forthwith so to do.

We beg leave to observe to Your Majesty, that the place where the Gaspee was destroyed, is, at least, twenty-three miles from Newport, and the accident of her running aground but a few hours before the attack, takes away all possibility of the inhabitants of the town being instrumental in, or privy to, the destruction of her; nor have we any evidence, even of the slightest kind, to induce suspicion to the contrary.

We further beg leave humbly to represent to Your Majesty, that in the part of our duty contained under the inquiry into the assembling, arming and leading on the people to attack the Gaspee; also, the concerting and preparing the same, we have been particularly attentive.

But after our utmost efforts, we are not able to discover any evidence of either; and therefore, are humbly of opinion, both from the unforeseen event of the Gaspee's running on shore, the suddenness of the undertaking and its accomplishment, and total want of evidence of even an intention to destroy her, though many witnesses of credit, as well inhabitants of Providence as other places, were strictly examined on this head, that the whole was conducted suddenly and secretly.

On the 10th of June last, about 1 in the morning, a number of armed people, many of whom, by their dress, appeared much above the rank of common people, and were accompanied by several negroes and others, boarded the schooner Gaspee, then on shore, on a point of land, called Namquit, which is within the township of Warwick, and county of Kent, in this colony, and about six miles from the town of Providence; and after wounding the lieutenant, and using the crew with great barbarity, first plundered and then burnt the schooner, taking the lieutenant and his people on shore, to a place called Pawtuxet, about two miles distant.

With respect to the conduct of the magistrates, on the morning of the 11th of June. The Deputy Governor, being informed of the destruction of the Gaspee, the lieutenant being wounded on shore, at Pawtuxet, first inquired if any of the offenders were known; and receiving no information of such, immediately repaired to the place, and finding the lieutenant in a dangerous condition, offered him every proper assistance; to which the lieutenant replied, he wanted no favors for himself, but desired his people might be taken care of, and sent on board the Beaver; which was accordingly done.

The Deputy Governor then told the lieutenant the design of his visit, was not only to afford him any assistance, but to procure such a declaration from his own mouth, respecting the transaction, that the offenders might be brought to justice.

To which, the lieutenant answered, he would not give him any account of the matter. First, because of his indisposition: and, secondly, it was his duty to forbear any thing of that nature, until he had done it unto a court martial.

The Deputy Governor then asked the lieutenant if he was willing that his officers and men should be examined; to which, after some refusal, he consented. They were accordingly examined on oath, but were not able to give information against any person in particular.

Mr. Andrews, judge of the court of vice admiralty, in this colony, attended the Deputy Governor, and behaved very properly on the occasion.

The same day, the Deputy Governor, by letter, informed the Governor of what had happened, and of every step he had taken as a magistrate, and sent him all the depositions. In another letter, of the 12th of June, he further informed the Governor, it was the unanimous opinion of a great number of the most respectable inhabitants of Providence, that a proclamation, with a proper reward, should, by the Governor be issued, for the apprehending and bringing to justice the persons concerned; which was accordingly done.

In July, following, a warrant was granted, for apprehending one Aaron Briggs, a negro, then on board Your Majesty's ship, the Beaver, commanded by Capt. Linzee, for being concerned in burning the Gaspee, and wounding the lieutenant. The same was delivered to a sheriff; who, after making his business known, was refused admittance into said ship; but the captain was not then on board. Very soon after such refusal, the captain was informed of said warrant, and requested to deliver up the negro, whom he acknowledged was on board; but treated the civil authority in a most contemptuous and unjustifiable manner.

Here the civil magistrates ceased their endeavors to discover the offenders: for, though there was a superior court, held in, and for the county of Kent, in October following the burning the Gaspee, at which the second justice presided, the chief justice being absent, not any charge was given to the grand jury, to inquire into that atrocious breach of law, nor any information thereof, by the then acting attorney general; nor was any thing done thereon, that we can discover.

Having now laid before Your Majesty, the substance of the proofs relative to the destruction of the Gaspee, the barbarity and insolence exercised upon the commander and seamen belonging to her, with other necessary matters, we proceed, in obedience to Your Majesty's directions, to assign some probable causes, which we conceive, might lead to so bold a violation of Your Majesty's laws and authority.

The great impatience of some people, in this colony, under any restraint of trade, however illicit; the check which Your Majesty's navy officers have put to such trade, by the necessary aid and assistance which they have afforded the revenue officers; the plundering and burning a sloop, called the Liberty, in this harbor, in July, 1769, then employed in Your Majesty's revenue service, and commanded by William Reid, liberating a vessel and cargo, then under seizure by said commander, and in a violent and outrageous manner assaulting and detaining him in this town, in duress, till the accomplishment of the above facts; the same night, dragging two boats, belonging to said sloop, through the streets, and burning them; and the perpetrators of the above outrage, escaped with impunity; not one person being so much as apprehended on this occasion.

It must be further, with humble submission to Your Majesty, remarked, that it does not appear to us, that any complaint or information was given to any peace officer or other magistrate, against any person, whatever, as concerned in the above transaction, excepting four depositions, taken before a single magistrate; and which do not appear to have been laid before the Governor and Council, or to have had any effect.

Certain persons, principal inhabitants of the town of Providence, in March, preceding the burning of the Gaspee, complained to the Deputy Governor, also an inhabitant of that place, against the conduct of Lieutenant Dudingston, for disturbing and obstructing their vessels and boats, firing at and searching them, without showing any commission for so doing; and requested the Deputy Governor to inform the Governor thereof, that he might inquire into the said lieutenant's authority; on which, the Deputy Governor laid the same before the Chief Justice, also an inhabitant of the town of Providence, for his opinion, how to conduct in the affair; to which, he soon returned an answer, to the following purpose: it was his opinion, "that for any person, whatever, to come into this colony, and in the body thereof, to exercise any authority by force of arms, or otherwise, without showing his commission to the Governor, and if a custom house officer, without being sworn into his office, was guilty of a trespass, if not piracy."

But what effect such opinion might have on the minds of the perpetrators of the crime, we must most humbly submit. If Lieutenant Dudingston, on his first arrival in the harbor of Newport, had waited on the Governor, acquainting him with his power and authority, and thereby early made his duty a matter of notoriety, he would, at least, have acted a prudent part: but whether his duty obliged him so to do, we do not presume to determine.

There is also too much reason to believe, that in some instances Lieutenant Dudingston, from an intemperate, if not a reprehensible zeal to aid the revenue service, exceeded the bounds of his duty.

After exerting ourselves to the utmost of our abilities, to collect evidence against the persons concerned in burning the Gaspee, and wounding the lieutenant, and judging that we had got all there was any probability of obtaining, we laid such before the Deputy Governor, the Chief Justice of the colony, and three of his associates; among which testimonies, was Aaron's, the negro: wherein, some persons are expressly named and charged as guilty; and Mr. Dickinson's, late midshipman of the Gaspee, and on board at the time she was destroyed, very particularly described others.

The justices were then informed, that the same witness was now present, and might be by them re-examined.

Soon afterwards, at the request of the judges, we also delivered them other depositions, which had been laid before us by the Governor, and which tended to discredit the testimony of said Aaron. The day following, we received their report in the words following:

"The honorable the commissioners, appointed by royal commission, for examining into the attacking and destroying His Majesty's armed schooner, the Gaspee, commanded by Lieutenant Dudingston, and wounding the said lieutenant, having laid before us, justices of the Superior Court of Judicature, court of assize, &c., within and throughout the colony of Rhode Island, two examinations of Aaron Briggs, two examinations of Patrick Earle, the examination of Peter May, the examination of William Dickinson, the depositions of Samuel Tompkins, Samuel Thurston, and of Somerset and Jack, indented servants, for our advise thereon:

It appeareth unto us, from due consideration had thereupon, that no particular person or persons are made mention of as being concerned in that atrocious crime, except in the examination of Aaron Briggs, a negro, and of Peter May, one of the Gaspee's people.

The confession of the said Aaron, upon his first examination, was made in consequence of illegal threats from Capt. Linzee, of hanging him (the said Aaron) at the yard arm, if he would not discover who the persons were, that destroyed the Gaspee; and besides, most of the circumstances and facts related in both of his examinations, are contradictions repugnant to each other, and many of them impossible in their nature.

It is evident from the depositions of Tompkins, Thurston, and Aaron's two fellow servants, that he was at home the whole of that night on which the Gaspee was attacked; especially, as there was no boat on that part of the island, in which he could pass the bay in the manner by him described.

In short, another circumstance which renders the said Aaron's testimony extremely suspicious, is Capt. Linzee's absolutely refusing to deliver him up to be examined by one of the justices of the said Superior Court, when legally demanded.

Peter May, in his deposition, mentions one person only, by the name of Greene, whom, he says, he saw before on board the Gaspee; but the family of Greene being very numerous in this colony, and the said Peter not giving the Christian name, or describing him in such a manner as he could be found out, it is impossible for us to know at present, the person referred to.

Upon the whole, we are all of opinion, that the several matters and things contained in said depositions, do not induce a probable suspicion, that the persons mentioned therein or either or any of them, are guilty of the crime, aforesaid.

It is, however, the fixed determination of the Superior Court, to exert every legal effort in detecting and bringing to condign punishment, the persons concerned in destroying the schooner Gaspee.

And if the honorable commissioners are of a different sentiment, we should be glad to receive their opinion, for our better information."

To the latter part of which, we answered:

"That, by our instructions, we were commanded to lay before the civil magistrates all such information as we should receive; and as it was their proper office to act thereupon, in such manner as they conceive most likely to answer the ends of public justice, we declined giving any sentiment or opinion in the matter."

Touching the depositions of Aaron, the negro, we humbly conceive it our duty to declare to Your Majesty, that the conduct of Capt. Lizee tended too strongly to extort from a weak or wicked mind, declarations not strictly true; that some parts of said depositions falsify others; that allowing the account he gave of the time he left the island called Prudence, the place of his residence, on the night the Gaspee was burnt, and his return thither, to be true, or even near the truth, must render his being at the taking and destroying her, totally impossible; the distance being so great between Namquit Point and said island.

In addition to all which, there is full and satisfactory evidence, to prove him, the whole of that night, to have been at home; and the request which he deposed was made him, to carry a person off said island that night, and which he declared was the occasion of his going from home, proved, on the examination of the very person, to be an absolute falsehood; and therefore, we are most humbly of opinion, no credit is due to said Aaron's testimony.

May it please Your Majesty, the civil magistrates being entrusted with the power of apprehending and committing; and having determined against both, upon the evidence before them, and there being no probability of our procuring any further light on the subject, determines our inquiry.

All which, is submitted to Your Majesty's royal wisdom.

J. WANTON,

FRED. SMYTHIE,

DAN. HORSMANDEN,

ROBERT AUCHMUTY,

To His Majesty.

Commissioners.

Newport, Rhode Island, June 22, 1773.

Chief Justice Horsmanden to the Earl of Dartmouth.

New York, 20th February, 1773.

My Lord:—On the 21st of January last, I had the honor of addressing Your Lordship, in conjunction with the rest of the commissioners, at Rhode Island, giving some account of our proceedings, and the reasons that induced us to adjourn to the 26th of May next.

On my arrival at that place, on the 31st of December, I was surprised to find that the main object of our errand was become public, which, in prudence, was to be kept secret; nevertheless, Your Lordship's letter to Governor Wanton, was published in the Boston weekly paper, and spread industriously over all New England.

However amazing to us, upon inquiry, it came out, that the Governor had communicated it to his Assembly, who had got it printed; upon expostulating with the Governor upon it, he said, he by law was obliged to communicate all dispatches from the ministry to his corporation, and sworn so to do; that such dispatches were usually directed to the Governor and Company.

Upon inquiry how Your Lordship's packet was directed, neither he, nor his secretary could inform us; the superscription, they said, was mislaid, and not to be found; but that this was not so directed, as the Governor said, I inferred from its being addressed to him (sir).

My Lord, as to the Government (if it deserves that name), it is a downright democracy; the Governor is a mere nominal one, and therefore a cipher, without

power or authority; entirely controlled by the populace, elected annually, as all other magistrates and officers whatsoever.

The Governor treated the commissioners with great decency and respect; and to do that gentleman justice, behaved with great propriety, as a commissioner, except his communicating Your Lordship's letter to the corporation; which, indeed, he seemed constrained to do, under the above circumstances.

To show that the Governor has not the least power or authority, he could not command the sheriff or constable to attend us; he prevailed with them, indeed; but in expectation of being paid their daily wages by the commissioners, so that they were hired for this service, at our expense; and even for expresses sent to summon witnesses, the commissioners found it necessary to advance their own money: also for the very fire-wood expended for our accommodation in the council chamber, on this occasion. This, My Lord, we readily disbursed, and all other contingences, relying upon the honor of government.

We found, My Lord, that the Governor, upon the first notice of this piece of villainy, had issued a proclamation, offering £100 reward, for a discovery, but without effect.

My Lord, it is suggested in the commission, that the people assembled upon this adventure, in the town of Newport, and the places adjacent, by beat of drum, the which was intimated, doubtless, through misinformation: for it comes out, that it was at Providence, on the Narragansett River, about thirty miles from Newport, and seven or eight from the place where the Gaspee was aground. The news of which, was soon communicated to that town; and there it is supposed, the people assembled and soon formed their scheme, to man six or seven boats on purpose to attack her at that disadvantage.

My Lord, the colony of Rhode Island is branched out into three divisions; Newport, on Rhode Island; Providence and Warwick, more inland, adjoining to the Massachusetts colony. At these three places, the Assembly is held, alternately; but Newport is reputed the seat of government; between the two former, there is an emulation, with respect to their trade, and a kind of enmity, likewise; so that they do not generally correspond cordially. Providence is thirty miles distant from it, so that it seems most unlikely that the people of Newport could be concerned in so sudden and precipitate an enterprise: nor was the fact known at Rhode Island, till the day after the treason was committed.

My Lord, as to the negro evidence, which seems to be the foundation of this inquiry, it is much to be suspected, though his story is told with much plausibility, and he pertinaciously repeated it upon examination before the commissioners; and a sailor of the crew of the Gaspee, swore he was one of the negroes after the attack, that rowed the boat which landed part of the Gaspee's crew, near Providence.

But to countervail this information, it was asserted, that the master of this negro, from whom he had escaped on board the man-of-war, with intent to run away, who is a person of undoubted credit, would swear that about 9 o'clock that night the Gaspee was destroyed, he ordered this negro to bed, and that he saw him go, accordingly, with his two other negroes, with whom he usually slept; and it was said that these negroes would also depose, that he lay with them all night, till his master called him up in the morning, on business.

My Lord, the commissioners did not enter upon counter evidence, though I, myself, was inclined to do it, as we proceeded; and bring the witnesses face to face,

considering the commission required we should report all the circumstances attending the affair.

Captain Dudingston had been plying upon his business in the Narragansett River, for some time; he had not communicated his commission to the Governor, on his arrival, as Mr. Wanton informed us: Mr. Dudingston had made several seizures of prohibited goods on that station; and on seizing their traffic, might probably have treated the boatmen with severity, roughness and scurrilous language, by which, the people of that place might be provoked to this daring insult and resentment; and not knowing Dudingston bore the King's commission of what he had done, they, as they gave out, looked upon him as pirate, and treated him as such. For, as the Governor informed us, upon complaint of his abuses, as they pretended, he expostulated with Mr. Dudingston, and demanded he would satisfy him as to the commission upon which he acted, which at length he did.

From these three different branches of government, My Lord, there arise three different factions; their election of the chief officers being annual, sometimes one party prevails, perhaps the next year, a different.

I was told by a gentleman of the law there, he had known a land cause of considerable value that had judgment reversed different ways seven or eight times; property being thus rendered wholly insecure, no wonder that persons of property and best sense and most sincerity, among them, have long wished for a change of government, and to be under His Majesty's more immediate protection.

Though by their charter, they are inhibited from passing laws contrary to those of England, but to be near as may be, agreeable to them, yet they seem to have paid little regard to that injunction, as may sufficiently appear upon inspection of the printed book of them; they have never transmitted them for the royal approbation nor indeed, by their charter were they obliged to do so.

Under these circumstances, Your Lordship will not wonder that they are in a state of anarchy; and I assure Your Lordship, that their sister colony Connecticut, is in the same condition in all respects; justice has long since fled that country. I have had an opportunity of being more intimately acquainted with the people of that colony for about thirty years past; having had the honor of attending there twice, upon two royal commissions for determining a controversy between the corporation and a tribe of Indians and the family of the Masons.

Major Mason, a gallant officer of the army, a principal person among the first of the English, who first landed in these parts, fought their battles with the savages, conquered several tribes, became the foster father to the colony; acted with so much generosity, humanity and prudence towards the natives, and so conciliated their friendship and esteem, that, after they had, through his persuasion, granted away great tracts of their lands, to form the newly proposed colony, and to make a sufficient plantation or settlement, the natives prudently thought of falling upon a method of reserving and securing for the future, a sufficiency for the subsistence of their tribe; and putting entire confidence in Major Mason, as their patron and friend (who had treated them with great generosity and humanity), requested that corporation or government, that they might, with their approbation, invest the remainder of their lands in Major Mason and his heirs, as the guardians and trustees of the Mohegan tribe; and that in future, they should be restrained from selling more of their lands without the advice and consent of that family.

Some were afterwards, from time to time, sold, with the consent of the Masons;

and to preserve the fidelity of the Masons, the family was to have an interest in the lands so to be conveyed, coupled with the trust.

For this purpose, My Lord, a deed was executed with solemnity, and by the declared approbation of the corporation, entered upon their records.

Notwithstanding this solemn engagement, so recorded, the heads of this corporation, did, from time to time afterwards, unknown to the Masons, inveigle the Indians to convey to them several tracts of very valuable reserved lands, without the consent of the Masons, and divided them among themselves; and this was the ground of their complaint, upon which those special commissions issued.

Upon the whole, My Lord, I was, and am still of opinion, that the devices in consequence of them, in favor of the corporation, were unjust; for it appeared to me, that the corporation had most shamefully prostituted the good faith and honor of government, by ungratefully and fraudulently wresting many large and valuable tracts from that tribe, and the Masons: and becoming the instruments of impoverishing that honest and worthy family (whose ancestors first founded the colony), in prosecuting and maintaining their rights, at their own expense, for thirty years past, and hitherto in vain; for the matter still lies before His Majesty and Council, waiting a determination.

Those two colonies, My Lord, commenced their settlements nearly at the same time; their charters bear date one year after the other; and they adjoin each other; the charters are similar: each has a grant of "all royal mines, minerals and precious stones," which may be thought a privilege of too much importance for a subject to enjoy.

My Lord, these colonies united, which as times are so alike in features, temper and disposition, that it were a pity they should remain separate. For, from my knowledge of the people, and credible information from many in each, I am fully persuaded, that the better sort of them have long groaned under their motley administrations, and wish for a deliverance; to be taken more immediately under the protection of the crown. These two, consolidated, might become as respectable a royal government, as any on the continent. The country in both, has a rich soil, abounds in timber fit for ship-building; the country, upon the whole, in my esteem, is superior to any I have seen in my travels, from Boston to Virginia.

But it must be confessed, as to the people, it would require a gentleman of very extraordinary qualifications and abilities, to adventure upon the first arduous task, for modelling them into due subordination and decorum.

I humbly entreat Your Lordship's pardon for trespassing thus much upon Your Lordship's time and patience. I flattered myself that some account of the present as well as former temper and circumstances of these two colonies, might not be unacceptable to you, in Your Lordship's high department; and conclude with the assurance that I am, with the most profound respect, My Lord,

Your Lordship's most obedient and obliged humble servant,
DAN. HORSMAN DEN.

To the Earl of Dartmouth.

The Earl of Dartmouth to the Governor of Rhode Island.

Whitehall, April 10, 1773.

Sir:—I have received your letters to me, of the 19th of October, and 30th of January last.

I am very much obliged to you, for the favorable sentiments you are pleased to express for me, in the first of those letters; but I must not omit to observe to you, that the publication in the common newspapers, of parts of my secret and confidential dispatch, of the 4th of September last, addressed personally to yourself, cannot, I fear, be considered as entirely corresponding with those assurances you give me, of paying the strictest attention and deference to such orders as you shall receive from me.

I am sensible, that you could not do otherwise than communicate the substance of that dispatch to the other parts of your corporation; but I refer it to your candor whether it was proper to give copies of it.

I sincerely hope that it will appear by the report of the commissioners for inquiring into the affair of the Gaspee schooner, that no part of the corporation of the colony of Rhode Island has failed in obedience due to the laws and authority of this kingdom; in the meantime, the King is graciously pleased to approve of the respect shown to his royal commission, and the decency and order with which it was proclaimed.

I am, sir, your most obedient, humble servant,

DARTMOUTH.

To the Governor of Rhode Island.

*Chief Justice Horsmanden to the Earl of Dartmouth.**

New York, 23d July, 1773.

My Lord:—Your Lordship's favor of the 10th of April last, I was honored with, on my return hither, on the 13th inst.; after the close of our commission, at Rhode Island, concerning the affair of the Gaspee.

It gives me great pleasure, that my representation of the 20th of February, has the honor of Your Lordship's approbation: and now beg leave to observe to Your Lordship, what has occurred to me, after finishing our report. For waiting some days at Newport, for a passage, wind and weather, I was accidentally informed of a piece of evidence, which, had it come to light sooner, would most probably have cut our business shorter.

An officer of a man-of-war, stationed at Newport, to whom the negro Aaron was turned over, informed me that upon his examining the fellow one day, before his master, and his two negroes who came on board, and interrogating face to face, the fellow prevaricated much; but still persisted in the main of his story, notwithstanding confronted by the master, and his two negroes, who declare that he slept with them all that night, on which the Gaspee was destroyed.

The master and his negroes being dismissed, the officer, upon what he had heard, from the master and his negroes, and had observed from the conduct of Aaron, upon the occasion, concluded he was an impostor, and charged him home, as such, and

* New York Colonial Documents, Vol. VIII.; from British State Paper Office, 165.

told him he was convinced he was no more concerned in that affair than he himself was; and conjured him to tell the truth; and at length, he confessed it was all a fiction, which he was constrained to, for saving himself from the punishment threatened him on board the other man-of-war, as they had charged him so positively with being one concerned; and therefore thought he must confess himself guilty, and name some principal people as accessories.

My Lord, a few days after the Gaspee was burnt, one of the ships stationed at Newport, went and anchored close by the island called Prudence, where the master of Aaron lived, about seven miles from where the Gaspee lay, and Aaron purposing to run away from his master, went on board in a small canoe; and they rightly guessed of his intention, and threatened to whip him; but on second thoughts, charged him as a confederate in destroying the Gaspee; and if he did not confess and make discovery, they would whip him, and hang him up at the yard arm.

And thus, My Lord, this forced confession of the negro Aaron has been held up by the marine, as a hopeful and sure clue to unravel this mystery of iniquity. The fellow might probably have heard the names of the most noted and principal traders at Providence, and other trading towns in that neighborhood, though he might not know their persons; and one Dr. Weeks, inserted in his list, he might know personally, as an attendant upon his master's family.

But my sentiments upon the whole are, that this daring insult was committed by a number of bold, daring, rash enterprising sailors, collected suddenly from the neighborhood, who banded themselves together, upon this bold enterprize: by whom stimulated for the purpose, I cannot conjecture. They cunningly calculated the attack at a time of night, under the Gaspee's disadvantage, aground, when it was probable the crew would be below deck, and asleep; as was the case, only one sentry on deck; and thus, by surprise, easily boarded and plundered her.

My Lord, I have been two voyages of four hundred miles each, upon this occasion, at great expense; and no small fatigue, for a person of my age, viz.; seventy-six; and I assure Your Lordship, I am already upwards of £200, out of pocket; and am still liable for my proportion with the other commissioners, for the pay of the clerks we found necessary to attend us upon the service; and though we have not had the wished for success, we hope His Majesty will graciously accept our sincere endeavors.

My Lord, I have lately received advice that His Majesty has been graciously pleased to sign a warrant for my salary, as chief justice, which further adds to the obligations Your Lordship has conferred upon me, which I cannot but esteem with the utmost gratitude.

I am, with profound respect, My Lord,

Your Lordship's most obliged and dutiful, humble servant,

DAN. HORSMANDEN.

To the Earl of Dartmouth.

The following letter, which is printed in the New York colonial documents, is here inserted to show that Chief Justice Horsmanden, of New York, one of the royal commissioners, to inquire into the destruction of the Gaspee, had not, in 1777, or

five years after the commission was held in Newport, been paid his expenses for that service.

Chief Justice Horsmanden to Governor Tryon.

New York, 19th April, 1777.

Honored Sir:—Your Excellency well remembers what circumstances you found me in, on your arrival in this government; that I was then chief justice of the province, and had been so for eight or ten years (as my memory serves me), and had no other allowance on the Assembly for the support of the dignity of that office, than a miserable pittance of £300 a year, this currency, and the fees of the office, trifling and insignificant; but upon Your Excellency's recommendation home, His Majesty was pleased to allow me £500, sterling, a year, which I was to receive half yearly, on the commissioners of trade at Boston; which I did, to the time of their removal to Halifax; since which, has incurred one year and a half, the beginning of this month; but I am much at a loss how to apply for it; but as the commissioners are now in London, I have written to them for information.

When the duties arisen by trade, fell, the commissioners had directions from the lords of the treasury, to give drafts upon them for the salaries of the officers of government, of which I have had two, the salaries being payable half yearly.

Your Excellency well remembers that three or four years ago (I think), the King's special commission was sent over by Lord Dartmouth, then secretary of state, empowering the persons therein named (of which I was one), to inquire into the affair of the destruction of His Majesty's schooner, the Gaspee, at Rhode Island.

Your Excellency knew the state of health I was in, at the time I embarked for Newport, much enfeebled by the rheumatism, the time of year in December, when it is generally expected the river is full of ice. Myself unable to walk without help, and at a time of life drawing near to four-score; but as Lord Dartmouth's directions were to proceed immediately to that place, in order to execute that commission, I did not hesitate to undertake it; but was obliged to take with me my wife, carriage and two horses, without which, I could have been of no use.

After passing several weeks there, and doing little to the purpose, the commissioners found it necessary to adjourn over to the next year, which occasioned a second voyage, under the like circumstances; and at length the commissioners were obliged to close the commission, having not been able to make any discovery, to answer the intent of the commission; upon which occasion, I expended upwards of £200, of my own money, which remains out of pocket to this day; and hitherto, my trouble for nothing.

Upon the proceedings of the commissioners being sent home, Lord Dartmouth directed the commissioners to send home their accounts of the expenses they had been at. It was imagined with a view to compel Rhode Island government to discharge them; but if that was the intent, the alterations of the circumstances of that government in this time of confusion, that expectation is at an end; and in the anarchy and distraction which now surrounds us, and the great difficulty in getting money amongst us, which is our due, Your Excellency knows how needful it is to be solicitous for it, where it is due in other quarters.

by no means, like-warm in the service of His Majesty. They were surrounded, too, at the time of their sessions, by the officers of the crown, and individuals high in rank and standing, who were eager in the chase of those who insulted their sovereignty, in the person of his representative, Lieut. Dudingston.

Under these circumstances, it is passing strange, that no persons could be found, who could identify those engaged in the enterprise, or that the great reward offered on the occasion, should not have induced some one to have turned informer. That the enterprise was suddenly conceived, there can be no doubt; but every circumstance shows, that no great care was used to preserve secrecy. They were called together by the beating of a drum in the streets. The collecting of the boats, the assembling at a public house, the embarking from a public wharf, all must have attracted the notice of the inhabitants. The parties assumed no disguise of any kind, but went in their usual dress.

Among them, were some, little conscious of the crime they were committing, and the penalty they were incurring. Mr. John Howland says, that on the morning after the affair, Justin Jacobs, a young man, was parading himself on "the Great Bridge," then the usual place of resort, with Lieutenant Dudingston's gold laced beaver on his head, drifting to a circle around him, the particulars of the transaction, and the manner in which he obtained the hat from the cabin of the Gaspee. It required sharp words to induce him to retire and hold his peace. There were others, probably, equally indiscreet; and yet not an individual could be found, who knew anything about the affair."

The following song, composed at the time, on the occasion, is attributed to Capt. Swan, of Bristol.

"He richly deserves the thanks, not only of his cotemporaries, but of posterity; not so much for the sweet poetry of his song, as for the ballad shape in which he invested the transaction. Undoubtedly some tune was found, at the time, to match it, notwithstanding the limping gait of some of the stanzas; and as it was sung in the circle of boon companions, they recalled the light of the burning Gaspee to their recollection, and hailed it as being, what subsequent events have shown it to be, the dawning light of freedom, whose mid-day effulgence now overspreads the land."

S O N G .

'Twas in the reign of George the Third,
Our public peace was much disturbed
By ships of war, that came and laid
Within our ports, to stop our trade.
Seventeen hundred and seventy-two,
In Newport harbor lay a crew,
That played the part of pirates there,
The sons of freedom could not bear.

Sometimes they weighed and gave them chase.
 Such actions, sure were very base.
 No honest coaster could pass by
 But what they would let some shot fly :
 And did provoke, to high degree,
 Those true born sons of liberty ;
 So that they could not longer bear
 Those sons of Belial staying there.
 But 'twas not long 'fore it fell out,
 That William Dudingston, so stout,
 Commander of the Gaspee tender,
 Which he has reason to remember,
 Because, as people do assert,
 He almost had his just desert :
 Here, on the tenth day of last June,
 Betwixt the hours of twelve and one,
 Did chase the sloop, called the Hannah,
 Of whom, one Lindsay, was commander.
 They dogged her up Providence Sound.
 And there the rascal got aground.
 The news of it flew that very day,
 That they on Namquit Point did lay.
 That night, about half after ten
 Some Narragansett Indian men,
 Being sixty-four, if I remember,
 Which made the stout coxcomb surrender :
 And what was best of all their tricks,
 They in his breech a ball did fix ;
 Then set the men upon the land,
 And burnt her up, we understand ;
 Which thing provoked the King so high
 He said those men shall surely die ;
 So if he could but find them out.
 The hangman he'll employ, no doubt ;
 For he's declared, in his passion,
 He'll have them tried a new fashion.
 Now, for to find these people out,
 King George has offered very stout :
 One thousand pounds to find out one
 That wounded William Dudingston.
 One thousand more, he says he'll spare,
 For those who say the sheriff were ;
 One thousand more, there doth remain
 For to find out the leader's name ;
 Likewise, five hundred pounds per man
 For any one of all the clan.
 But let him try his utmost skill,
 I'm apt to think he never will
 Find out any of those hearts of gold,
 Though he should offer fifty fold.

